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Tenth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation and return of all Kuwaiti and third-country nationals or their remains and every six months on the return of all Kuwaiti property, including archives, seized by Iraq. The present report covers both issues and provides a brief account of the relevant developments since my last reports (S/2002/664 and S/2002/931).

2. In paragraph 18 of my annual report on the work of the Organization[1] I noted that:

> "the Government of Iraq continues to reject Security Council resolution 1284 (1999), on the question of Kuwaiti and third-country missing persons and seized property. Recently, Iraq undertook to return documents belonging to the Kuwaiti national archives and my High-level Coordinator was able to participate in my meetings with the Iraqi Foreign Minister in July 2002. I have proposed the re-establishment of a United Nations mechanism for the return of the national archives and other Kuwaiti property, and the Governments of Kuwait and Iraq have accepted that proposal. Iraq has respectfully refused to meet with my High-level Coordinator to discuss the question of missing persons."

The present report will provide an update on this issue as the Iraqi authorities have made encouraging indications regarding contacts with Yuli Vorontsov, the High-level Coordinator, including on the issue of the repatriation or return of all Kuwaiti and third-country nationals or their remains.

3. During the reporting period, I maintained a dialogue with high-level Iraqi officials. On 3 September, I met with the Deputy Prime Minister of Iraq, Mr. Tariq Aziz, in Johannesburg and proposed to lay the foundation for making progress on outstanding issues related to Iraq in the manner in which progress had been achieved on the issue of the return of Kuwaiti documents. On 18 September, I had another round of talks with the Minister for Foreign Affairs of Iraq, Mr. Naji Sabri, in New York.

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4. In pursuance of his mandate, the Coordinator continued contacts with the leadership of the League of Arab States. The Secretary-General of the League of Arab States received Ambassador Vorontsov in Cairo on 11 March 2002 to discuss issues pertaining to his mandate (see S/2002/419, para. 34). As noted in paragraph 3 of my report on cooperation between the United Nations and the League of Arab States (A/57/386), the League of Arab States, and its Secretary-General, in particular, played a constructive role in facilitating the agreement by Iraq to return documents belonging to the Kuwaiti archives. In subsequent discussions on the procedure for the transfer of the Kuwaiti archives, it was agreed that the League would send representatives to the transfer area to participate in the handover operation (see also para. 60 below).

5. During the open debate of the Security Council on Iraq held on 16 and 17 October, numerous representatives (Argentina, Bulgaria, Cambodia, Cameroon, China, Colombia, Djibouti, Egypt, Guinea, India, Islamic Republic of Iran, Iraq, Ireland, Jamaica, Jordan, Kuwait, Lebanon, Malaysia, Mauritius, Morocco, Oman, Organization of the Islamic Conference, Pakistan, Palestine, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Sudan, Syrian Arab Republic, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen) spoke, inter alia, on the issue of the repatriation or return of all Kuwaiti and third-country nationals or their remains, as well as the return of all Kuwaiti property, including the archives, seized by Iraq (see S/PV.4625 and S/PV.4625 Res. 1, Res. 2, Res. 3).

6. On 8 November, the Security Council unanimously adopted resolution 1441 (2002). In the resolution's ninth preambular paragraph, the Council deplored that the Government of Iraq

> "ha[d] failed to comply with its commitments ... pursuant to resolutions 686 (1991), 687 (1991) and 1284 (1999) to return or cooperate in accounting for Kuwaiti and third-country nationals wrongfully detained by Iraq, or to return Kuwaiti property wrongfully seized by Iraq".

7. On 9 December, the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, addressed to me a letter (S/2002/1350) in which he commented on the letter from the President of Iraq, dated 7 December, addressed to the "People in Kuwait". Paragraph 7 of Sheikh Sabah's letter states that the Iraqi leadership "does not have any political will ... to resolve the question of returning all Kuwaiti and third-country nationals or their remains ... since the Iraqi message totally lacks any reference to Iraq's solemn commitment to return all Kuwaiti and other prisoners to Kuwait". Sheikh Sabah also noted that the documents which Iraq had returned to Kuwait "were mere papers that do not in fact constitute the true body of Kuwait State archives in question".

8. On 10 December, I met with the Permanent Representative of Iraq to the United Nations, Ambassador Mohammed Al-Douri, who informed me that the Minister for Foreign Affairs of Iraq had invited the Coordinator to visit Baghdad in order to discuss all issues relevant to his mandate.

II. Repatriation or return of all Kuwaiti and third-country nationals or their remains

A. Background

9. On 21 August, the Coordinator briefed the Council on my ninth report pursuant to paragraph 14 of resolution 1284 (1999) on the repatriation or return of all Kuwaiti and third-country nationals or their remains (S/2002/931). In his briefing, Ambassador Vorontsov noted that, despite the encouraging agreements reached at the Summit of the League of Arab States in Beirut, there had "not been much progress on this issue". He further expressed his readiness, at short notice, to meet with Iraqi officials at any time and at any place and stated that Iraq should use the existing window of opportunity to move forward on that outstanding humanitarian issue.

10. In a subsequent statement to the press, the President of the Security Council stated that members once again expressed their "deep concern at the continuing plight of the Kuwaiti and third-country nationals still remaining in Iraq and expressed their sympathy for their families". They also supported "the Secretary-General's call on Iraq to restore its credibility on the outstanding humanitarian issues and stand by its intention to fully implement the decision of the Beirut Summit on the issue of missing persons". Members of the Council further "stressed the importance of the work of the International Committee of the Red Cross and the Tripartite Commission in solving this humanitarian issue", and "urged Iraq to cooperate fully with Ambassador Vorontsov in fulfilling his mandate as set out in Security Council resolution 1284 (1999)".

11. On 25 August, the Kuwaiti Cabinet expressed satisfaction with the ninth report of the Secretary-General. The Council of Ministers issued a statement expressing appreciation for the empathy of the members of the Security Council with regard to the predicament of the prisoners of war and their grief-stricken families.

12. In a press communiqué issued on 3 September, following the eighty-fourth session of the Ministerial Council of the Gulf Cooperation Council, held in Jeddah, Saudi Arabia, the Council:

> "reaffirmed that it persisted in recognizing that Iraq had an obligation to implement all relevant Security Council resolutions and, in particular, to release Kuwaiti and third party prisoners and detainees and to take all practical, tangible measures to ensure that those resolutions were fully implemented and that what happened in 1990 did not happen again" (see A/57/417-S/2002/1042, annex).

13. During the general debate of the General Assembly, several speakers urged Iraq to immediately comply with all relevant Security Council resolutions, especially issues relating to Kuwaiti prisoners and missing persons. The First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Salem Sabah Al-Ahmed Al-Jaber Al-Sabah, in his statement on 13 September before the General Assembly at its fifty-seventh session, emphasized that the Arab leaders demanded that Iraq cooperate in order to find an expeditious and final solution to the question of Kuwaiti prisoners and hostages, "but to our regret, this decision has not been implemented".

14. He later told the press in New York that "it is our hope that this step would be followed by other positive movements that would lead to the release of our prisoners. Only then can this dossier be closed. This humanitarian issue of prisoners has dominated the national agenda of the Government and people of Kuwait since liberation". In an interview with the Kuwait News Agency (KUNA) on 17 September, Sheikh Sabah called for the inclusion of the issue of Kuwaiti and third-country nationals in any new resolution on Iraq. He welcomed Iraq's agreement to the return of weapons inspectors but said that the issue of Kuwaiti prisoners of war was more important "and should be followed by more information on their fate".

15. On 19 September, the Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, Sheikh Sabah Al-Salem Al-Sabah, addressed a letter to Ms. Mary Robinson on the occasion of the end of her tenure as United Nations High Commissioner for Human Rights. Expressing gratitude to Ms. Robinson for her efforts on behalf of the missing Kuwaitis, in his letter, Sheikh Salem noted that, "It is a matter of a particularly poignant human tragedy involving a great deal of distress, especially to the families of the prisoners of war, who continue to live in absolute incertitude over the fate of their loved ones".

16. On 28 September, Mr. Amre Moussa, Secretary-General of the League of Arab States, underlined the necessity of stepping up international efforts to resolve the issue of the missing Kuwaiti nationals. Speaking in Geneva, Mr. Moussa said he would discuss this matter with Jacob Kellenberger, President of the International Committee of the Red Cross (ICRC).

17. On 29 September, addressing a Kuwait-Egypt Joint Committee meeting, Minister of State for Foreign Affairs of Kuwait Sheikh Mohammed Sabah Al-Salem Al-Sabah remarked that his country was disappointed over Iraq's lack of enthusiasm towards "a positive initiative for the humanitarian cause of the prisoners of war in accordance with the Beirut Summit resolutions". He said that Iraq had been called to resolve the issue of the prisoners of war, but until now there had been no response and "we say that we are disappointed".

18. On 20 October, the Iraqi Revolutionary Command Council issued a decree ordering a general amnesty for all political prisoners. On 21 October 2002, Kuwaiti First Deputy Prime Minister and Foreign Minister Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah announced that Kuwait had not yet been officially informed of the release of any Kuwaiti prisoners in Iraq pursuant to the general amnesty.

19. On 22 October, Kuwait's ambassador to the League of Arab States, Mr. Ahmed Khaled Al-Kulaib, said in a statement to KUNA that Kuwait had officially asked the League to determine whether there had been Kuwaiti nationals among the prisoners released from Iraqi jails. The Arab League spokesman, Mr. Hisham Yousef, said that Secretary-General Amre Moussa had been in contact with the Government of Iraq, inquiring whether the amnesty was applied to Kuwaiti nationals.

20. On 28 October, in an interview with Iraqi State television, the Vice-President of Iraq, Mr. Taha Yassin Ramadan, dismissed as "baseless" reports suggesting that Iraq was holding Kuwaiti prisoners. He invited the Kuwaiti authorities to visit Iraq and search anywhere for its nationals. On 29 October, Minister of Information of Kuwait, Sheikh Ahmed Al-Fahal Al-Sabah, refuted Mr. Ramadan's statements that Iraq did not hold any Kuwaiti prisoners or prisoners of war. Speaking to KUNA on the same day, the Chairman of the National Committee for Missing Persons and

Prisoners of War Affairs, Sheikh Salem Sabah Al-Salem Al-Sabah, said that the statement made by the Iraqi Vice-President demonstrated that Iraq was violating the promise to cooperate on the humanitarian issue.

21. On 12 November, Information Minister and Acting Oil Minister of Kuwait Sheikh Ahmed Al-Fahal Al-Sabah affirmed the necessity of finding a final and rapid solution to the cause of the Kuwaiti prisoners and detainees held in Iraq and urged Baghdad to "positively implement" Security Council resolution 1441 (2002). After an emergency Arab ministerial meeting held in Cairo, Sheikh Ahmed said, "Iraq must abide by the relevant Security Council resolutions, particularly those concerning the cause of the prisoners".

22. On 20 November, Minister of State for Foreign Affairs of Kuwait Sheikh Mohammad Sabah Al-Salem Al-Sabah reiterated that the plight of Kuwaiti prisoners of war held in Iraq and the issue of eliminating Iraq's weapons of mass destruction should be given equal priority by the international community. He noted that the issue of the prisoners of war would always be at the top of the agenda of the Gulf Cooperation Council (GCC) Summit.

B. Recent activities with regard to repatriation or return of all Kuwaiti and third-country nationals or their remains

23. On 17 September, I met with First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah in New York. After the meeting, he told the press that the issue of prisoners of war should be among the matters Iraq had to resolve. Kuwait would welcome any new resolution that would include a provision urging Iraq to release all Kuwaiti and third-country nationals. He expressed the hope that the Security Council would continue to follow up the issue of repatriation or return of all Kuwaiti and third-country nationals.

24. On 23 September, I received a letter from the Chairman of the National Committee for Missing Persons and Prisoners of War Affairs, Sheikh Salem Sabah Al-Salem Al-Sabah, in which he expressed gratitude for the efforts made by the United Nations in order to resolve the issue of the Kuwaiti prisoners and third-country nationals. He also expressed the hope that the Security Council would "give to the issue of the prisoners of war the priority it deserves".

25. On 30 September, the Coordinator met in Vienna with Ambassador Said Hassan al-Musawi, Director of the International Organizations and Conferences Directorate at the Iraqi Ministry of Foreign Affairs, and raised, inter alia, the issue of repatriation or return of all Kuwaiti and third-country nationals or their remains. Ambassador al-Musawi stressed that the case of the Iraqi missing persons should be afforded equal international attention and concern, and emphasized the Iraqi desire for bilateral discussions between Kuwait and Iraq on the issue. Ambassador Vorontsov urged Iraq to return any mortal remains of the Kuwaitis, and to account for the 126 persons Iraq had at an earlier stage admitted to having detained in Basra, but claimed to have no knowledge of their whereabouts after the events of March 1991.

26. On 23 October, the Coordinator met with Mr. Arnold Luethold, Deputy Head of the International Organizations Division, and Mr. Eddy Abegg, Deputy Head of Operations for the Middle East and North Africa of the ICRC in Geneva and

reiterated the important role of the ICRC on the issue of repatriation and return of all Kuwaiti and third-country nationals and their remains and expressed hope for positive results. Mr. Luethold emphasized that confidentiality and the independence of the ICRC had to be honoured.

27. The Tripartite Commission met in Geneva on 23 and 24 October. As in previous years, ICRC continued its efforts to encourage the renewed participation of Iraq in the process. The Iraqi authorities informed the ICRC that their position remained unchanged and that they would not attend the current meeting. During his discussions with the members of the Commission present in Geneva, the Coordinator was informed that they actively supported the ICRC in its efforts to resume the Commission's activities. One of the participants noted that the Commission was unable to achieve positive results owing to the lack of cooperation from the Government of Iraq. It was hoped that Iraq, in view of the return of inspectors from the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the return of the Kuwaiti national archives, would also adopt a well-intentioned approach to the humanitarian issue of the prisoners of war, detainees and missing persons. In Geneva, the Coordinator also met with the United States ambassador to Kuwait, Mr. Richard Jones, who raised, at the Tripartite Commission's session, the issue of Captain Scott Speicher.[2]

28. While in Geneva on 25 October, Ambassador Vorontsov met with Mr. Karim Ghezraoui, Arab Region Coordinator of the Office of the United Nations High Commissioner for Human Rights and asked him to convey to Ambassador Mavrommatis, Special Rapporteur of the Commission on Human Rights that the issue of Iraqi missing persons had been raised in all reports of the Secretary-General. That issue was pursued with the full concurrence of Kuwaiti officials, despite the fact that it was not mentioned in Security Council resolution 1284 (1999).

29. On 28 October, the High-level Coordinator travelled to Kuwait, where he met with Sheikh Sabah Al-Khalid, Head of the National Security Bureau of Kuwait. During the meeting, Sheikh Sabah Al-Khalid expressed Kuwait's willingness to take whatever additional steps were necessary to resolve the issue of missing persons. Ambassador Vorontsov stressed the importance of making progress, at least initially, on the return of mortal remains. He also met with Sheikh Salem Al-Sabah, Chairman of the National Committee for Missing Persons and Prisoners of War Affairs. During the meeting, it was noted that there had been no progress to report on the issue of repatriation or return of all Kuwaiti and third-country nationals or their remains.

30. On 29 October, the Coordinator was received by Acting Prime Minister and Minister for Foreign Affairs Sheikh Sabah Al-Ahmed Al-Jaber Al-Sabah, who expressed hope that progress could soon be made on the relevant humanitarian issue. Ambassador Vorontsov said that he had urged Iraq on many occasions to cooperate with the United Nations on the repatriation or return of all Kuwaiti and third-country nationals or their remains. The Coordinator regretted that no new information about the existence of Kuwaiti missing persons in Iraq was available. While noting that the transfer of Kuwaiti documents was a positive development, the Coordinator stressed that his mission required much persuasion from all parties concerned with the plight of the missing persons.

31. It will be recalled that the Special Rapporteur of the Commission on Human Rights continued to follow developments with regard to Kuwaiti prisoners of war

and persons unaccounted for, as well as missing Iraqis. In the third interim report on the situation of human rights in Iraq (A/57/325), presented to the General Assembly on 5 November, Ambassador Mavrommatis welcomed the general amnesty for prisoners declared in Iraq recently. However, he stated, in paragraph 21 of his report, that "with regard to the issue of Kuwaiti prisoners of war and persons unaccounted for since the time of the Iraqi occupation of Kuwait, the Special Rapporteur notes that there have been no positive developments during the reporting period. As previously stated, the Special Rapporteur urges the Government of Iraq to cooperate with the Tripartite Commission and the High-level Coordinator, Ambassador Yuli Vorontsov".

32. In paragraph 7 of the letter to me dated 23 November (S/2002/1294, annex), the Iraqi Minister for Foreign Affairs, Mr. Naji Sabri, made the following statement:

> "Iraq has cooperated fully with the States concerned ascertaining the fate of missing Kuwaiti nationals and nationals of third countries, and it has expressed its full willingness to cooperate directly with Kuwait to resolve this humanitarian issue which involves 1,137 missing Iraqis, 582 missing Kuwaitis and members of other nationalities, and removing this issue from the tendentious politicization perpetrated by the United States administration which is detrimental to both sides. Iraq has been cooperating, and continues to cooperate, with the International Committee of the Red Cross on the grounds that it is a neutral international party, and with the States that have files of missing persons, thereby complying with the obligations specified in the Geneva Convention of 1949".

33. On 24 November, the General Coordinator of ICRC, Mr. Balthasar Staehelin, arrived in Kuwait from Baghdad and held talks on the means of resolving the issue of the missing persons. He expressed hope that Iraq would resume its cooperation with the Tripartite Commission. He also told KUNA that ICRC was urging Iraq to implement the resolutions related to the missing persons.

34. On 27 November, I received a letter from the Secretary-General of the League of Arab States, Mr. Amre Moussa, in which he informed me that Iraq had agreed to a suspension of the legal quorum of the Technical Subcommittee of the Tripartite Commission concerned with the issue of prisoners and missing persons and would resume its participation in the work of the Subcommittee for a period of four months. Such a suspension would allow for the convening of meetings between Iraq and any other member of the Tripartite Commission in the presence of a third member of the Commission agreed to by Iraq and the other party. Mr. Moussa expressed hope that the new Iraqi move would help break the deadlock on the question of prisoners and missing persons and ensured that the League would continue to coordinate with the United Nations on this important issue.

35. On 29 November and again on 10 December, Ambassador Vorontsov met with the Permanent Representative of Iraq, Ambassador Mohammed Al-Douri, in New York to discuss, inter alia, Iraq's agreement to resume participation in the work of the Technical Subcommittee of the Tripartite Commission and other relevant developments.

III. Return of all Kuwaiti property, including archives, seized by Iraq

A. Background

36. On 21 June, the Coordinator briefed the Council in connection with my eighth report (S/2002/664). He noted in particular that at the fourteenth Arab Summit in Beirut on March 28 Iraq had been called upon to cooperate in seeking an expeditious and definitive action to the issue of returning Kuwaiti properties, especially the national archives. Now there was an official agreement by Iraq to return the documents. The Governments of Kuwait and Iraq had concurred with the proposal of the Secretary-General to re-establish the mechanism previously used for the return of Kuwaiti property.

37. Following the briefing, the President of the Security Council expressed "the Council's support for the High-level Coordinator's work" and "the importance of dialogue between Ambassador Vorontsov and the Government of Iraq". Members of the Council took note of the acknowledgement by the Government of Iraq that it did possess Kuwait's national archives, and that it was ready to return them through the United Nations mechanism that would include the League of Arab States. The Government of Iraq was urged to make further efforts regarding the whereabouts of all remaining Kuwaiti properties in its possession, including the military equipment not yet returned to Kuwait.

38. On 26 June, a spokesman for the League of Arab States announced that discussions were under way on a suitable mechanism for the return of Kuwaiti archives. The Assistant Secretary-General for Arab Affairs of the League of Arab States, Mr. Ahmed Al-Hilly, said that the mechanism would be established by the United Nations with the participation of representatives from Iraq, Kuwait and the League.

39. During my talks with the Minister for Foreign Affairs of Iraq in Vienna on 4 and 5 July, Ambassador Vorontsov briefed the Iraqi delegation on the details of the mechanism for the return of Kuwaiti properties. He handed to the Iraqi delegation the outline of that mechanism. With respect to separate items of Kuwaiti property found by the Iraqi authorities since 1997 and as suggested in the letter dated 23 May 2001 addressed to me by the Permanent Representative of Iraq (S/2001/528), it was agreed that an international staff member of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) would be designated in order to facilitate the transfer of those items. At the end of the talks on the matter, I noted that on the issue of Kuwaiti property, there was now a clear understanding for creating a detailed mechanism for the return of the Kuwaiti National Archives. In my statement to the press, I confirmed that, "as indicated earlier, Iraq has agreed to return the Kuwaiti National Archives and we have now agreed, both with Iraq and Kuwait, to re-establish the mechanism for the transfer of property that was used previously during 1991-1996".

40. The Coordinator visited Kuwait from 6 to 8 July to discuss, inter alia, the latest developments on the return of the Kuwaiti archives. In a series of meetings with Sheikh Sabah Al-Ahmad, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Mr. Khalid Al-Jarallah, Under-Secretary of the Ministry of Foreign Affairs, Sheikh Mohammed Al-Salem Al-Sabah, Minister of State for

Foreign Affairs of Kuwait and Mr. Ibrahim Al-Shaheen and Mr. Rabea Al-Adsani of the National Committee for Missing Persons and Prisoners of War Affairs, Ambassador Vorontsov informed that the process of the return would begin soon and that UNIKOM would be facilitating the operation.

41. On 8 July, my Chef de Cabinet, Mr. S. Iqbal Riza, briefed the Council on the outcome of the talks in Vienna. Drawing the Council members' attention to my previous correspondence with Iraq, Kuwait and the League of Arab States (see S/2002/664, paras. 29-31), Mr. Riza informed the Council that Iraq had agreed to the re-establishment of the mechanism used in previous transfers of Kuwaiti property. Members of the Council took note of Iraq's agreement to return the archives.

42. In a subsequent statement to the press, the President of the Security Council said that the Chef de Cabinet had reported "some Iraqi movement towards complying with obligations under the resolutions on Kuwaiti property and archives and on agreement on the setting up of a mechanism for that. Council members expressed the hope that this would lead to concrete Iraqi action on those issues".

43. On 16 July, the Permanent Mission of Iraq to the United Nations forwarded to the members of the Security Council a summary of the Vienna round of talks in which it was stated that, "regarding the return of property and archives, Mr. Vorontsov attended the opening and closing general sessions. He spoke only in the opening session, presenting a paper that contains a mechanism to return the archives and what Iraq has found of Kuwaiti property since 1997 (which the United Nations Secretariat has not received yet, despite Iraq's repeated calls to do so).[3] The mechanism is the same one that was used during 1991-1996".

44. On 28 July, Major General Miguel Moreno, Force Commander of UNIKOM, and his Senior Adviser, Mr. Tesfaye Tadesse, travelled to Baghdad to meet with Iraqi Foreign Minister Naji Sabri to discuss the role of UNIKOM in facilitating the transfer of the Kuwaiti archives and separate items of Kuwaiti property. (A similar discussion had been held with Kuwaiti officials at Abdally on 14 July.)

B. Recent activities with regard to the property issues

45. On 17 July, I addressed letters to the Ministers for Foreign Affairs of Iraq and Kuwait, informing them of my intention to appoint Mr. J. Richard Foran at the Assistant Secretary-General level to lead a small team of United Nations staff who would facilitate the return of the archives and related documents. Mr. Tadesse was requested to facilitate the return of the separate items of Kuwaiti property. They were to report to me through the Coordinator. On 23 July, I briefed the members of the Council of Mr. Foran's appointment and Mr. Tadesse's additional responsibility. On 1 August, I met with the team leader for the return of the Kuwaiti Archives, Mr. J. Richard Foran, to discuss in detail the handover agenda.

46. After initial meetings in New York with the Chargé d'affaires of the Permanent Mission of Iraq, Mr. Abdul Munim Al-Kadhe, the Permanent Representative of Kuwait to the United Nations, Ambassador Mohammad Abulhasan, and the Permanent Observer of the League of Arab States to the United Nations, Ambassador Yehya Mahmassani, Mr. Foran travelled to the region in mid-August.

47. On 13 August, Mr. Foran and his team arrived in Baghdad to discuss with the Government of Iraq the modalities of how the transfer would take place, within the

framework of what had been agreed in Vienna. Speaking to the press after a meeting with Iraqi Minister for Foreign Affairs Naji Sabri on 14 October, Mr. Foran expressed optimism and did not foresee any difficulties since the Iraqi officials had indicated that they would be helpful in every possible way.

48. The meeting with the Minister for Foreign Affairs of Iraq was followed by a round of technical meetings with senior Iraqi officials headed by Ambassador Said Hassan al-Musawi, Director of the International Organizations and Conferences Directorate in the Iraqi Ministry of Foreign Affairs. The Iraqi officials assured Mr. Foran of their willingness to cooperate and to return the documents at a time and venue acceptable to Kuwait.

49. On 17 August, a four-man panel was set up in Kuwait to receive the archives. A representative of Kuwait's Minister for Foreign Affairs chaired the Committee. Other members represented the Amiri Diwan and the Interior and Defence Ministries. One of the Committee's main duties was to ensure that the archives arrived in good order.

50. On 18 August, Mr. Foran travelled to UNIKOM headquarters at Umm Qasr in the demilitarized zone between Iraq and Kuwait. After meeting with the UNIKOM Force Commander, Mr. Foran's team continued to Kuwait for further negotiations.

51. On 19 August, a spokesman for the League of Arab States said that the League was not in favour of a proposal by Iraq to involve the Organization in the mechanism for the return of the Kuwaiti national archives. The Arab League would only act "as a mediator or a linkage between Iraq and the United Nations, possibly helping to translate the documents if requested by the United Nations".

52. On 19 and 21 August, Mr. Foran met with Minister of State for Foreign Affairs of Kuwait Sheikh Muhammed Al-Salem Al-Sabah, Under-Secretary Khalid Al-Jarallah, and Ambassador Aqeel Behbehani, Deputy Director of the International Organizations Department of the Ministry of Foreign Affairs. Sheikh Muhammed expressed the hope that Mr. Foran's mission would be successful. Kuwaiti officials proposed that the transfer of the archives take place at Camp Abdally, in the Kuwaiti sector of the demilitarized zone between Iraq and Kuwait.

53. On 23 August, Mr. Foran returned to Baghdad for further negotiations based on the results of his talks in Kuwait. In the second round of meetings, a group of officials from the Iraqi Ministry of Foreign Affairs headed by Ambassador Said Hassan al-Musawi and Mr. Muhammed Turki Aldouri, Assistant Director of the Office of Finance and Management, agreed that the transfer would take place at Camp Abdally. They requested that the Iraqi delegation be treated with due respect when entering Kuwaiti territory.

54. On 26 August, Mr. Foran returned to Kuwait to meet with Sheikh Muhammed Al-Salem Al-Sabah, Minister of State for Foreign Affairs, and Ambassador Abdul Hamid Al-Awadhi, Director of the International Organizations Department of the Ministry of Foreign Affairs and briefed them on his talks in Baghdad.

55. On 27 August, Mr. Foran announced that Iraq and Kuwait had agreed on the arrangements for the return of the Kuwaiti archives and that he expected the operation to begin shortly. He expressed appreciation for Iraq's efforts to facilitate the operation and recalled that, during the talks in Vienna in July, the Iraqi Minister

for Foreign Affairs had agreed to the mechanism for returning the Kuwaiti archives as presented to the Iraqi delegation by the Coordinator.

56. Upon his return to New York on 30 August, Mr. Foran addressed letters to the Permanent Representatives of Iraq and Kuwait and the Permanent Observer of the League of Arab States with proposals for the procedures to be followed for the return of the Kuwaiti archives and an outline of actions to be taken by the parties concerned.

57. The procedures proposed by Mr. Foran were largely identical to those followed during previous transfers (outlined in detail in S/1994/243 and Add.1). However, minor adjustments were made in view of the different nature of the items to be transferred (that is, this was the first time the transfer operation would involve government documents), as well as the participation of representatives from the League of Arab States. Moreover, the parties had agreed to conduct the transfer at Camp Abdally, making it the first such transfer on Kuwaiti soil.

58. On 3 September, the Permanent Representative of Kuwait to the United Nations, Ambassador Mohammad Abulhasan, informed Mr. Foran of Kuwait's acceptance of the proposed procedures. In his letter, Ambassador Abulhasan reiterated Kuwait's understanding that the procedures for the transfer of property did not necessarily imply acknowledgement by the Government of Kuwait of the authenticity of those documents or their significance, as the documents would require a thorough examination by experts from the competent authorities after their transfer.

59. In a letter to the Permanent Representative of Iraq, Ambassador Mohammed Al-Douri, dated 9 September, Mr. Foran emphasized the importance attached by Kuwait to the authenticity and significance of the documents to be returned. He referred to the annex to the third report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999) (S/2000/1197), which lists documents to which the State of Kuwait attached priority.

60. Ambassador Al-Douri replied on 10 September, informing Mr. Foran of his Government's approval of the proposed procedure. In a subsequent exchange of letters, it was agreed that the transfer operation would begin on 19 October and that the League of Arab States would send three representatives. The role of the League of Arab States, as agreed in the proposed procedures, would be to participate in the transfer and to sign the transfer documents as a witness to the transfer.

61. It will be recalled that, on 30 September, the Coordinator met in Vienna with Ambassador Said Hassan al-Musawi, Director of the International Organizations and Conferences Directorate at the Iraqi Ministry of Foreign Affairs (see para. 25 above), who informed him that "Iraq had several truckloads of documents ready to be handed over". Ambassador Vorontsov stressed that the transfer should begin with documents of importance to the Government of Kuwait, such as the archives of the Amiri Diwan and the Ministry of Foreign Affairs.

62. On 4 October, the Permanent Representative of Iraq to the United Nations, Ambassador Mohammed Al-Douri, addressed a letter to Mr. Foran in which he stated that the Iraqi side had completed its preparations to deliver the archives. Mr. Foran responded on 7 October, informing Iraq that Kuwaiti authorities had asked if it would be possible to first deliver the files from the Amiri Diwan. On 12 October, Ambassador Al-Douri replied that "Iraq will deliver the Kuwaiti documents which

have been gathered until now, including communications between various Kuwaiti departments and the Amiri Diwan".

63. On 18 October, my spokesman issued a statement in which it was noted that the modalities for the transfer had been arranged with Iraq and Kuwait by the United Nations in August 2002. On 19 October, the delegations met for the first time at the transfer site and used the occasion to make themselves acquainted with the procedures and discuss some outstanding details. The Iraqi delegation had brought detailed packing lists for the boxes, which were turned over to the Kuwaiti delegation for review.

64. The United Nations team consisted of four international staff, the Iraqi delegation comprised six diplomats, while the Arab League had three representatives who witnessed the transfer. Kuwait had a core team of five officials and sent additional representatives from the concerned ministries as the documents were being transferred.

65. The actual transfer commenced on 20 October. The Iraqi delegation was escorted into the Kuwaiti sector of the demilitarized zone by a United Nations convoy every day and brought one or two trucks loaded with documents to be handed over within that day. Documents were not allowed to be left behind at the transfer site by either party, and at no time were they in the custody of the United Nations. The transfer was organized in such a way that representatives of the United Nations and the League of Arab States did not view the documents unless specifically invited to do so by Kuwait.

66. On 26 October, Ambassador Ghassan Muhsin Hussain, head of the Second Political Department at the Ministry of Foreign Affairs and head of the Iraqi delegation during the return of documents, said in a statement to the Iraqi News Agency (INA) that Kuwait had received a total of 409 boxes from the archive of its Ministry of Foreign Affairs, Interior Ministry and State Security Department and that "a positive atmosphere had prevailed during the handover process".

67. On 27 October, the Coordinator visited Camp Abdally and noted that the transfer was proceeding smoothly. He then proceeded to Kuwait City to meet with Sheikh Sabah Al-Khalid, Head of the National Security Bureau, Sheikh Sabah Al-Hamad, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, and Sheikh Salem Al-Sabah, Chairman of the National Committee for Missing Persons and Prisoners of War Affairs (see also paras. 29-30 above). Reporting on the progress of the transfer operation, the Coordinator said that the handover was going "better than expected" from a procedural point of view.

68. The transfer was completed on 29 October, after a total of 10 days, sooner than had first been anticipated, primarily because of the Kuwaiti decision not to inspect the documents on the site. While some boxes were opened and their contents checked against the packing lists, the Kuwaiti delegation asserted its right to inspect the documents more thoroughly and to note any comments within 60 days of their transfer. Mr. Foran stated on that occasion that there had been no official complaint from Kuwait during the transfer operation, and added that the United Nations role did not include inspecting the documents. In total, 425 boxes and 1,158 bags were transferred to Kuwait. The documents belonged to the General Department of State Security, the Ministry of Foreign Affairs, Ministry of Information, National Bank of Kuwait, Ministry of the Interior, Ministry of Oil and Ministry of Defence.

69. On the occasion of the completion of the operation, my spokesman issued the following statement:

> "The current operation of the transfer of the first batch of Kuwaiti documents was completed today. The United Nations arranged the transfer while representatives of the League of Arab States witnessed the procedures. Substantive issues regarding the nature and content of these documents should be referred to either Iraq or Kuwait because the transfer was organized in such a way that only Iraq or Kuwait has access to the contents of the individual files. The United Nations never had custody of the documents. Kuwaiti officials are examining the transferred documents."

70. As reported by KUNA on 29 October, Minister of Information and Acting Minister of Oil of Kuwait Sheikh Ahmad Al-Fahad Al-Sabah said that "what Kuwait had received from Iraq, up until now, was not considered to be 'documents' and had little relevance". He noted that "documents that had been stolen during the Iraqi invasion of Kuwait made up the entire archives while the returned documents were photocopies of civil identification cards, passports and other documents that did not represent archives". The Minister expressed the hope that Iraq would return more of the documents in the future.

71. In his letter to me dated 8 November (S/2002/1237, annex), the Minister for Foreign Affairs of Iraq, Mr. Naji Sabri, referred to the agreement on modalities for the return of the Kuwaiti archives reached in Vienna on 4 and 5 July and informed me that the handover of the Kuwaiti archives had been completed. He reiterated that, in accordance with the assurances given by Iraq at the commencement of the restitution of property in 1991, any Kuwaiti items or documents that were found subsequently would be returned in the same way. The Minister expressed gratitude for the sincere and sustained efforts of the delegations of the United Nations, led by Mr. J. Richard Foran and of the League of Arab States, led by Mr. Muhammad Fu'ad Sirri.

72. On 20 November, the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, addressed to me a letter (S/2002/1275, annex) in response to the above-mentioned letter from the Minister for Foreign Affairs of Iraq. In his response, Sheikh Sabah noted that Kuwait regarded the return of archives as a positive step that it hoped would be complemented by the return of all the property that had been looted from Kuwait at the time of the Iraqi occupation of the country. He further stated that "from the preliminary scrutiny of the documents made by the agencies concerned, and despite the fact that they include files belonging to the Ministry of Foreign Affairs and the Office of the Amir, it has become evident that they are of a routine character and do not in any way amount to what can be considered State archives". The First Deputy Prime Minister also noted that Iraq's statement that any documents found in the future would be handed over was "tantamount to an explicit acknowledgement on its part that it still has such documents in its possession". The letter indicated that Kuwait did not agree that the issue of its national archives should be closed. While commending the efforts of the United Nations and the League of Arab States, Sheikh Sabah Al-Ahmad pointed out that only Kuwait "ha[d] the right to render judgement on the extent of Iraq's cooperation ... on the basis of its familiarity with its own documentation". As is noted in the letter, and in the present report, Kuwait

has a period of 60 days from the day of transfer to examine and comment on the documents received from Iraq.

73. The Permanent Representative of Kuwait, Ambassador Mohammed Abulhasan, in a statement to KUNA, said that the properties should be addressed as international commitments, stipulated by relevant Security Council resolutions. On the recently returned archives, Ambassador Abulhasan referred to the letter by the First Deputy Prime Minister and Foreign Minister, Sheikh Sabah Al-Ahmad Al-Sabah, in which he asserted that the documents "were insignificant".

74. On 23 November, the Minister for Foreign Affairs of Iraq, Mr. Naji Sabri, addressed to me a letter (S/2002/1294, annex) in which he commented on resolution 1441 (2002). In paragraph 7 of his letter, the Minister for Foreign Affairs stated that "the ninth preambular paragraph accuses Iraq ... of failing to cooperate in respect of missing persons and property". He further noted that "as far as Kuwaiti property is concerned, this has been returned to Kuwait by Iraq, ending with the Kuwaiti archive which was handed over by the Iraqi authorities to Kuwait during the period from 19 to 29 October 2002".

75. On 4 December, the Permanent Representative of Iraq, Ambassador Mohammed Al-Douri, addressed a letter to Mr. J. Richard Foran informing him that a collection of documents belonging to the Kuwait Museum had been found and would be returned in accordance with the agreed procedure at a time agreed upon by the United Nations, Kuwait and Iraq.

IV. Observations

76. It will be noted that, on the issue of the return of the Kuwaiti archives, some encouraging developments have taken place since Iraq has returned a first batch of documents and a practical mechanism for the return of other Kuwaiti property has been re-established. The Government of Kuwait is still scrutinizing the returned documents while the Minister for Foreign Affairs of Iraq has confirmed that "any Kuwaiti items or documents that were found subsequently could be returned the same way". To this end, I appeal to the Iraqi authorities to redouble their efforts aimed at the return of remaining Kuwaiti property without delay.

77. On the issue of repatriation of missing Kuwaiti and third-country nationals or their remains, progress has been limited despite some new positive elements. The Iraqi officials are now meeting with the Coordinator. In addition, Iraq recently informed the League of Arab States of its intention to resume participation in the Technical Subcommittee of the Tripartite Commission.

78. On 11 December, the Permanent Representative of Iraq wrote to the Coordinator informing him that the Minister for Foreign Affairs of Iraq would welcome his visit to Baghdad. It is my sincere hope that this and other developments noted in the present report are the beginning of a process, which would eventually enable me to report more substantive progress in the near future. I urge Iraq to comply fully with relevant Security Council resolutions and to cooperate with the Coordinator, particularly in his capacity as a facilitator of activities aimed at the resolution of humanitarian issues.

Notes

[1] Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 1 (A/57/1).

[2] On 18 July, the United States sent a diplomatic note to Iraq with a list of technical questions highlighting unresolved issues in the Speicher case. Iraq has yet to respond to the note. In news media, Iraqi officials have contended that Captain Speicher is dead. On 11 October, the United States Secretary of the Navy changed Captain Speicher's status from Missing in Action to Missing/Captured.

[3] The transfer of the separate items of Kuwaiti property listed in the annex to the present report is being arranged by Mr. Tadesse with Iraqi and Kuwaiti officials and is expected to take place in the near future.

Annex

Separate items of Kuwaiti property to be returned by Iraq as listed by the Iraqi Ministry of Foreign Affairs

1. A green leather case inscribed "Gift to His Highness Sheikh Jaber Al-Ahmad Al-Sabah from his brother King Fahd Ben Abdul-Aziz".
2. A magnum revolver with rifle stock and sight inscribed "For the Amirs and Kings of the Gulf — Jaber Al-Ahmad Al-Sabah".
3. An automatic hunting rifle inscribed "Sheikh Mubarak Al-Abdalah Al-Ahmad".
4. Thirteen dishes as follows:
   (a) Five large dishes with decorated edge in 24-carat gold bearing the emblem of Kuwait;
   (b) One small dish with decorated edge in 24-carat gold bearing the emblem of Kuwait;
   (c) One decorated dish in 24-carat gold bearing the emblem of Kuwait;
   (d) Five medium-small dishes with decorated edge in 24-carat gold, without emblem;
   (e) One small dish with decorated edge in 24-carat gold, without emblem.
5. One bronze statuette of a South-East Asian man playing a musical instrument.
6. A Smith & Wesson steel magnum revolver numbered 357 and inscribed "Presented to His Excellency Sheikh Salem Sabah Al-Salem Al-Sabah".
7. A painting entitled "Doves of the East" by the English artist Alfred Elmore and dated 1880, damaged.
8. A painting of a rural Dutch scene from the classical period.
9. A painting of churches by an artist from one of the socialist countries form the early twentieth century.
10. A painting of a snowy forest scene by a contemporary artist, dated 1985.
11. Two swords inscribed "this weapon was produced during the reign of His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah 1404 H/1984 A.D." and stamped with the British Royal seal and the letter W in English as well as the Koranic verse "In Yansurukum Allah Fala Ghaleb Lakum", and a leather sheath for one sword.
12. One small carpet presented by the former Shah of Iran to His Highness Sheikh Jaber Al-Ahmad Al-Jaber Al-Sabah, Prince of Kuwait, described as follows:

    Size: 32.5 inches by 26.5 inches

    Upper margin carries the phrase "Gift of the Shah"

    Lower margin carries the phrase "State of Kuwait/Shaikh Jaber Al-Ahmad Al-Sabah/Prince of Kuwait"

    Kuwaiti flags adorn the edges of the carpet.

United Nations S/2002/1350

Security Council

Distr.: General
11 December 2002
English
Original: Arabic

Letter dated 9 December 2002 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 9 December 2002, addressed to you by His Excellency Sheikh Sabah Al-Ahmad Al-Jaber, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, concerning the position of the State of Kuwait with regard to the letter addressed to the people of Kuwait by Iraq on Saturday, 7 December 2002, which expressed hostile intentions and contained dangerous ideas affecting the security and independence of Kuwait. I trust that you and the Security Council will study this letter from Iraq with all the attention it deserves, in accordance with the responsibilities entrusted to you pursuant to the Charter of the United Nations.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammad A. **Abulhasan**
Permanent Representative

02-73772 (E) 161202 171202

Annex to the letter dated 9 December 2002 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

[Original: English]

9 December 2002

I trust that you have reviewed the message addressed by the Iraqi president on Saturday, 7 December 2002, as reflected in his broadcast speech. One can instantly and unmistakably recognize the bad intentions of that message. Even its heading, "To the People in Kuwait", betrays its implications. The message is replete with terms and phrases disgracing the officials of the State of Kuwait. It also contains serious incitements and accusations which, in our view, must be dealt with by Your Excellency and by States Members of the United Nations with all due seriousness and resolve in view of its dark intentions and far-reaching implications that affect the security and independence of the State of Kuwait.

We in Kuwait do not really see this message emanating from the highest official in the Iraqi leadership as a mere negative step and a back-track on the position of the Government of Iraq towards its international and regional obligations regarding Kuwait, which Iraq claims it has either carried out and/or is currently cooperating to implement them. Rather, this message is tantamount, in our view, to a declaration of an explicit disavowal by the Iraqi leadership and government of relevant Security Council resolutions and the decisions adopted by the Arab Summit held in Beirut in March 2002. In fact, we see it as a clear breach of both sets of resolutions, especially those relating to the peaceful intentions of the Iraqi government towards Kuwait and the depth of its credibility in relation to its respect for the security and sovereignty of the State of Kuwait as well as its internationally recognized borders and political independence. It also represents a break of Iraqi's commitment not to interfere in the domestic affairs of Kuwait and its solemn pledge not to repeat the invasion that took place in 1990.

The message of the Iraqi president carried the very same allegations repeatedly made by the Iraqi leadership over the last days preceding the 1990 invasion and during the post-invasion period. Those allegations were advanced on the basis of falsehoods, distortions and mischaracterizations in an attempt to justify the Iraqi leadership's conduct, which explicitly violated the norms of international law and the Charter of the United Nations. All contents of the Iraqi message demonstrate in no uncertain terms that the Iraqi government at the highest levels of its leadership is still determined to breach Security Council resolutions and its obligations under those resolutions, especially in regard to the following matters:

1. This message brought out the non-peaceful intentions still harboured by the Iraqi leadership regarding the security, sovereignty and political independence of the State of Kuwait. All these principles are legally binding obligations set forth in explicit and forthright terms in relevant Security Council resolutions. The same principles have been emphasized time and again by the Arab League, which requested Iraq to match its words by deeds. The most illustrative evidence of the bad faith on the part of the government of Iraq towards Kuwait is its repetition of previous serious claims that cast doubt on the sovereignty, security and independence of the State of Kuwait. The essence of those doubts is captured in the fact that the message heading is addressed "To the People in Kuwait".

The choice of such a heading plainly means that the Iraqi leadership still considers that Kuwait is a part of Iraq and that the citizens of the State of Kuwait are an extension of the rest of the Iraqi population in the rest of the Iraqi cities and governorates. Obviously, this is a clear violation of Security Council resolutions that required Iraq to comply with respecting Kuwait's sovereignty, independence and internationally recognized borders. It is also considered as an Iraqi disavowal of the obligations they accepted in this regard. It further confirms what we have all along been demanding, that the public Iraqi statements and pledges in themselves were inadequate until they are substantiated by concrete actions on the ground.

2. Among the serious matters contained in the message is the repetition by the Iraqi leadership of all the allegations and falsehoods it echoed in the summer of 1990 and which were used as a basis for justification of its aggression and invasion of Kuwait then. This proves to Your Excellency and to all members of the United Nations that the government of Iraq, represented by its highest official, continues its attempts to justify the crime of occupation committed by Iraq on 2 August 1990. This in itself is yet another clear breach of all relevant Security Council resolutions which condemned that brutal Iraqi occupation of my country and demanded the Iraqi government not to repeat it. Nonetheless, the Iraqi leadership still insists, as evidence in this message, on challenging the international community by repeating its aggression against the State of Kuwait without drawing useful lessons from past experience. The message proves that the Iraqi leadership still functions on the basis of false allegations and accusations which the United Nations itself found untrue, as demonstrated by the conduct and practices of the Iraqi leadership over the past few years. The most graphic examples in the Iraqi message relate to the following:

(a) Failure to correctly acknowledge Iraq's aggression against Kuwait as an aggression and a state occupation in accordance with the established definitions and treaty laws. Rather, it was described as "Iraq's army entry into Kuwait";

(b) The message treated Iraq's invasion of Kuwait as an act of self-defence. The principle of self-defence obviously gives neither the right nor legitimacy to invasion or occupation;

(c) Insistence by the government of Iraq on sticking to its baseless accusations of Kuwait regarding involvement in an economic conspiracy and oil plundering.

3. The message of the Iraqi president constitutes open and flagrant interference in the domestic affairs of the State of Kuwait in addition to its stark incitement to the Kuwaiti people against its leadership and national institutions with a view to creating an atmosphere of uncertainty and sedition. Clearly, the government of Iraq is deliberately oblivious to the experience of the immediate past and expeditiously chose to ignore the fact that the people of Kuwait cannot be deceived by these sinister schemes and pernicious allegations repeated now by them. Let me quote here a salient example of these incitements:

> "We wish you just what we wish and work for your brothers in Iraq: to live free, without letting the foreigners control your destiny, will, decision, resources, nor your present or future."

That language flouts the established facts of Kuwait's political history, i.e. that the people of Kuwait willingly accepted and embraced its leadership and government. Ironically, the trauma of the treacherous Iraqi invasion proved beyond any doubt,

among other things, that the people of Kuwait rallied behind its leadership in total loyalty.

4. The Iraqi leader's message contained a tirade against the Kuwaiti leadership. It used hostile and offensive language. This reinforces our concern and anxiety, which we have articulated in the past, over the lack of change in the political and mass communication discourse of the government of Iraq towards Kuwait. It is to be recalled that the Beirut Arab Summit decisions called for ending the negative media campaigns and official statements as a step towards creating a favourable atmosphere that helps in promoting a framework of confidence and compliance with the good-neighbourliness principle. Instead of that, here we are again seeing a recurrence of a political assault against Kuwait and its leaders. The language qualifiers used against Kuwaiti officials strips away any credibility in the claims of the Iraqi government that it seeks to resolve the outstanding matters, as was alleged by the Iraqi leader. A graphic example can be seen from the following quotation from his message:

> "— transferring your officials into local managers of an American oil production company and deciding the quantities, prices and to whom oil may be sold by the company's original manager in Washington or New York."

The quotation in itself is a sufficient reason for the indictment of Iraq for it proves that it really shows no respect for Kuwait as a sovereign State. It further proves that the Iraqi leadership persists in its interference in the domestic affairs of Kuwait.

5. A close and scrupulous reading of the message would show unmistakably that it contains no apology by the Iraqi leadership to the people of Kuwait. The term "apology" is cast as follows in that message:

> "We apologize to Allah for any action that may anger the Almighty, if such an action took place in the past unknowingly by us and was considered to be our responsibility, and to you we apologize on this basis as well."

This language is not a true apology. It is a crude and thinly veiled method which the Iraqi leadership has been well known in the past to use in order to circumvent its responsibilities. This last quotation is not an apology by the Iraqi leadership for the crimes of invasion and occupation as well as for all other atrocities perpetrated within the framework of those crimes, which the Iraqi government claims to be unaware of!

6. This message supports directly those acts of terrorism committed within the State of Kuwait which jeopardize its security and stability and bears yet further proof that Iraq has retreated from its commitments in relevant Security Council resolutions, especially resolution 1373 (2001) and the relevant Pan-Arab official resolutions on renunciation of terrorism and the obligation of the Iraqi government neither to support terrorism nor to incite it.

The following quotation is quite telling in this context:

> "We, along with the people of Iraq, greet those faithful young people who are carrying weapons against the foreign forces of occupation and those who see their occupation as an ignominy of which the land and the people must be purified by fire and other means."

7. The Iraqi leadership has now demonstrated that it does not have any political will that reflects any good faith to resolve the question of returning all Kuwaiti and third-country nationals or their remains. This is clearly the case, since the Iraqi message totally lacks any reference to Iraq's solemn commitment to return all Kuwaiti and other prisoners to Kuwait. Here we would like to recall the reports of the Secretary-General of the United Nations submitted under paragraph 14 of resolution 1284 (1999), which stress that Iraq has shown no cooperation in resolving this humanitarian issue. In the same vein, I wish to set on record that the claim by the government of Iraq that it returned documents of the Kuwait State national archives is a sham, for those documents were mere papers that do not in fact constitute the true body of the Kuwait State archives in question.

8. Perhaps the most serious aspect of the speech of the Iraqi president is his hostile intention, cast in forthright and explicit language, to launch a new aggression against my country and to frame justifications for that aggression. With that in mind, he describes Kuwait as a country currently under foreign military occupation and states that it is Iraq's responsibility to liberate it from that occupation:

> "Greetings to those noble and courageous people, alive be they or martyrs. They have brandished the banner of right against wrong and disgrace. They have saved you from being accused of infamy had you subscribed to the foreign occupation that your rulers wanted. In fact they have lightened some of our, and other fervent Arabs, responsibility regarding the foreign occupation of Kuwait, which is part of the great Arab homeland."

Undoubtedly, this message, in terms of its substance and timing, aims at provoking further tension and instability in our region as a result of the policies of the Iraqi government. We therefore think that the international community, represented by the United Nations and its organs responsible for the maintenance of international peace and security, especially the Security Council, should have a firm position in the face of these stark Iraqi allegations and threats. In fact, this Iraqi stance should be viewed in the background context of the Iraqi government's announcements and intentions in the summer of 1990 which culminated in the invasion and occupation of Kuwait. What is before us now is a replication of the same intentions and scenario. They are too stark, too strong, to disregard. They confirm the violation by the government of Iraq of relevant Security Council resolutions, especially 687 (1991), 833 (1993), 949 (1994), 1284 (1999) and 1441 (2002), all of which were adopted under Chapter VII of the Charter of the United Nations.

Kuwait calls upon the Security Council, by virtue of its international mandate under the Charter and in pursuance of its relevant resolutions, to ensure that Iraq will not repeat its aggression against the State of Kuwait and that all peoples of the region will be spared the horrors and ramifications of the 1990 events. Also, we invite Your Excellency to voice a clear condemnation of the thrust and implications of the Iraqi message. For this message is a perpetuation of the aggressive and hostile policy of the government of Iraq towards Kuwait and the entire region. May we also suggest that Your Excellency intervene with the Iraqi government in order to demand them to strictly comply with all relevant Security Council resolutions.

(*Signed*) Sabah Al-Ahmad **Al-Jaber**
First Deputy Prime Minister
Minister of Foreign Affairs

United Nations S/2002/1351

Security Council

Distr.: General
13 December 2002

Original: English

United States of America: draft resolution

The Security Council,

Reaffirming the purposes and principles of the Charter of the United Nations and its relevant resolutions, in particular its resolution 1189 (1998) of 13 August 1998, resolution 1269 of 19 October 1999, resolution 1368 (2001) of 12 September 2001 (2001), resolution 1373 (2001) of 28 September 2001,

Recalling the obligations of state parties to the International Convention for the Suppression of Terrorist Bombings and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation,

Deploring the 2 December and 8 December 2002 claims of responsibility by Al-Qaida for the acts of terror perpetrated in Kenya on 28 November 2002, and *reaffirming* the obligations of all States in resolution 1390 (2002) of 28 January 2002,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

1. *Condemns* in the strongest terms the terrorist bomb attack at the Paradise Hotel, in Kikambala, Kenya, and the attempted missile attack on Arkia Israeli Airlines flight 582 departing Mombasa, Kenya, on 28 November 2002, as well as other recent terrorist acts in various countries, and regards such acts, like any act of international terrorism, as a threat to international peace and security;

2. *Expresses* the deepest sympathy and condolences to the people and the Governments of Kenya and Israel and to the victims of the terrorist attack and their families;

3. *Urges* all States, in accordance with their obligations under resolution 1373 (2001), to cooperate in efforts to find and bring to justice the perpetrators, organizers and sponsors of these terrorist attacks;

4. *Expresses* its reinforced determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.

02-74023 (E) 131202

United Nations S/2002/1352

Security Council

Distr.: General
12 December 2002

Original: English

Note by the President of the Security Council

Attached is a letter dated 12 December 2002 from the Chairman of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa addressed to the President, transmitting a set of recommendations relating to the enhancement of the effectiveness of the representatives and special representatives of the Secretary-General in Africa (see annex).

02-73625 (E) 131202

Annex

I have the honour to forward a copy of a set of recommendations relating to the enhancement of the effectiveness of the representatives and special representatives of the Secretary-General in Africa from the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, which have been agreed by members of the Security Council during informal consultations on 9 December 2002 (see enclosure).

I would like to request that you circulate the present letter and its enclosure as a document of the Security Council.

(*Signed*) Jagdish **Koonjul**
Ambassador
Permanent Representative
Chairman of the Ad Hoc Working Group on
Conflict Prevention and Resolution in Africa

Enclosure

Recommendations of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa on enhancing the effectiveness of the representatives and special representatives of the Secretary-General in Africa, agreed as of 9 December 2002

Members of the Working Group on Conflict Prevention and Resolution in Africa, joined by representatives of the Department of Political Affairs of the United Nations Secretariat and the Office of the African Union Observer Mission to the United Nations, met to share views on recommendations to offer the Secretary-General on how to improve the effectiveness of the representatives and special representatives of the Secretary-General, especially in the African context. The Working Group's discussions were undertaken after reviewing the historical background of the office of the special representatives, the recent expansion in the role and number of special representatives in Africa, and the expanded functions that special representatives have assumed.

Based on the discussion and exchange of views, the Working Group offers the considerations and recommendations on strengthening the effectiveness of the important office of the special representatives of the Secretary-General in Africa set out below.

1.0 Appointment procedures

1.1 **The Secretary-General must retain sole authority to appoint, choose and determine the mandates of special representatives.** The office of the special representatives is a unique and valuable tool of international diplomacy, which the Secretary-General can use on behalf of the international community. Special representatives must be able to speak for the Secretary-General and have the Secretary-General's full confidence, which can only be achieved if the Secretary-General alone selects special representatives and establishes their mandates. Other elements of the United Nations organization that work with special representatives such as the Security Council or specialized United Nations agencies, may offer recommendations to the Secretary-General on the mandates and roles of special representatives for the Secretary-General's consideration, but ultimate responsibility remains with the Secretary-General.

1.2 **The Secretary-General should consult with the Security Council on appointments to ensure success.** The Working Group concluded that special representatives need the full confidence of the Security Council to be effective. The special representative is often the Council's primary source of information on a conflict or post-conflict situation and it is through the special representative that many of the Council's decisions are implemented. Therefore, to ensure that special representatives and the Council can work effectively together, the Secretary-General's office should consult the Council, perhaps through informal dialogue with the President of the Council, before special representatives are named to their posts. Such consultation is not intended to limit the Secretary-General's authority to name special representatives or to politicize the selection process. Rather, it is a way for the Secretary-General and the candidate to find out whether Council Members have

concerns that might keep a special representative from having the Council's full confidence and to take steps to address such concerns early in the process.

2.0 The profile of special representatives

2.1 **In selecting a special representative, the Secretary-General should give equal priority to managerial abilities compared to other qualifications and skills.** The Working Group concluded that in most cases, certainly those in which a special representative will be named to a country in which there is a peacekeeping operation as well as political and humanitarian United Nations agencies on the ground, the Secretary-General must give priority to selecting a special representative with strong managerial and leadership skills. Such skills are now a critical element of a successful special representative's makeup, especially in African missions where the full panoply of United Nations agencies are often on the ground. Sustaining support for large, costly United Nations missions in conflict and post-conflict situations, in Africa and throughout the world, requires that Members have confidence that missions are efficiently managed and operated. A special representative with excellent political and negotiation skills may still fail to achieve success if Members are not convinced that the mission supporting the negotiations is being effectively run.

2.2 **The Secretary-General should strive for gender diversity in the appointments of special representatives.** There is only one woman special representative or deputy special representative currently serving in Africa. The Working Group acknowledges that the most important priority in selecting special representatives is the appointment of the most qualified individual, looking at the full range of skills and abilities needed for a particular post. The Working Group recommends that the Secretary-General ensure that, when selecting a special representative, an effort be made to include equally qualified women among the candidates for consideration.

2.3 **The Secretary-General should not limit the applicant pool of special representatives when naming special representatives to African nations.** Different situations require special representatives with different backgrounds. The Working Group recommends that the Secretary-General not restrict the pool of candidates for the office of special representative to those already working within the United Nations organization, although such individuals will often be excellent candidates in many situations in which knowledge of the United Nations system can be important. Representatives and special representatives from within the United Nations system should generally be recruited at the Assistant Secretary-General level at least. Extending the pool of candidates in that way would also reduce the risk that transferring too many highly qualified and experienced people from within the United Nations system could weaken the ability of the United Nations to manage complex situations from New York. The Working Group also encourages the Secretary-General to consider, in the African context, naming special representatives of African and non-African nationalities. The Working Group acknowledges that often a special representative from the region brings useful knowledge and the confidence of the parties to the post. But too much reliance on naming regional special representatives can be counterproductive, restricts the pool of qualified applicants and can prevent the naming of an individual from outside the region who would bring a new perspective.

3.0 Structure and mandate of the office of the special representative

3.1 **The Secretary-General should always establish the mandates of special representatives on a case-by-case basis.** In making its recommendations, the Working Group fully supports the Secretary-General in avoiding a "one size fits all" model for the office of the special representative. The strength of the office of the special representative is its flexibility to meet a specific situation. The Secretary-General alone will decide whether a given situation requires a special representative to have a deputy, for example, or what the relationship should be between the special representative and other United Nations agency heads. The Working Group offers its recommendations as a model from which to start in shaping mandates of special representatives, especially for those involving large in-country peace-building and peacekeeping operations, but recognizes the need for mandates to be set on a case-by-case basis.

3.2 **In most instances, the Secretary-General should give the special representative clear authority, not just a coordinating role, over all in-country United Nations agencies and peacekeeping operations.** In reviewing past and current United Nations missions headed by a special representative, the Working Group found that special representatives are most effective and overall United Nations missions most successful when the special representative has clear and ultimate decision authority over in-country United Nations agencies. The Working Group concluded, for example, that the authority which the current special representative in Sierra Leone enjoys to set priorities, give guidance to United Nations agencies and in turn be held responsible for the performance of United Nations agencies is a key reason for the success of his United Nations mission. In other peacekeeping operations in Africa, by contrast, the Working Group found that in several instances the role of the special representative is more that of a gatekeeper who oversees meetings at which agencies share information and plans. Real coordination can suffer because intra-agency disagreements are not resolved quickly in such countries but instead are often referred back to New York for resolution.

The Working Group makes the present recommendation to give the special representative real policy guidance and responsibility for all United Nations agencies and operations in full recognition of the important role that resident humanitarian coordinators play in United Nations missions around the world. The Working Group supports the important work of resident coordinators in ensuring that there is no duplication or effort among humanitarian agencies and that their work is coordinated for maximum efficiency. But the Working Group concludes that it is crucial for an effective mission, especially in Africa, where there is often a range of United Nations agencies working, to have the special representative solely responsible for setting policy guidance for United Nations agencies and ensuring that all United Nations agencies understand the overall goals set by the Secretary-General, the Security Council and other organs of the United Nations system. Such authority does not conflict with a resident coordinator's responsibility for day-to-day coordination and consultation among agencies. The Working Group emphasizes, in making the present recommendation, that a special representative is not mandated to override any United Nations agency's existing mandate. The Working Group's recommendation is that special representatives be empowered to ensure that all United Nations agencies, within their mandates, are implementing same policy guidance and understand the mission's goals.

3.3 **The Secretary-General should appoint a strong, empowered deputy for special representatives.** Related to the Working Group's recommendation that special representatives have authority for all in-country United Nations operations is the Working Group's recommendation that a special representative have a strong deputy. That is especially important where there is an in-country peacekeeping operation, which often the special representative exclusively focuses upon, leaving little time to play a strong coordinating role and making it difficult for the special representative to be an honest broker between peacekeeping operations and other United Nations agencies. It is also important in situations where a special representative is called on to play a significant mediation or "political" role, which usually means that he or she cannot give time to the executive/managerial oversight of in-country United Nations operations. If the Secretary-General has determined that a specific mission requires a special representative with strong political and negotiating skills, then it is particularly important that the deputy, who should have representatives status and full authority to speak for the special representative, have managerial abilities and be responsible for day-to-day management of the mission.

3.4 **The Secretary-General should set forth clearly the responsibilities of the special representative and a peacekeeping operations force commander.** The relationship between the special representative and the force commander must be clearly defined and lines of responsibility clearly drawn. Although the special representative is the senior in-country United Nations representative, in the most successful missions the force commander has a clear mandate holding him/her responsible/accountable for the military component of the United Nations mission. Many United Nations missions in Africa with a military component have complex military deployment and force protection issues — the force commander is uniquely qualified to handle those issues and should be clearly responsible for all operational aspects of the military component. The mandate of the special representative should be equally clear: the special representative has policy oversight of the force commander, who serves as the adviser to the special representative on all military issues, and the special representative therefore has ultimate authority over the whole mission, including its military component. The executive role of the special representative is not undermined if the lines of responsibility and accountability between the special representative and force commander are clear from the start.

3.5 **The Secretary-General should hold special representatives accountable for mission safety/security and institutionalize that responsibility.** The special representative is the senior in-country representative of the Secretary-General and, as such, should be responsible for the safety and security of all mission personnel, including troops from contributing countries. To underscore that responsibility, he/she must report back to United Nations Headquarters whenever a member of his/her team is injured or killed in the country of the mission; specifically, an accountability board should routinely determine whether negligence or preventable action on the part of the mission leadership has created circumstances that led to injury or death to members of the mission. That procedure is common in many national diplomatic services. Making it a standardized practice will build confidence among mission personnel, provide special representatives with a standard procedure in which to address any issues arising from incidents involving mission personnel, give confidence to troop-contributing countries and improve the safety and security of United Nations personnel.

4.0 Secretary-General's role in coordination

4.1 **The Secretary-General should encourage coordination between regional and national special representatives.** The Working Group has taken note of the increasing number of regional special representatives, especially in Africa, and recommends that the Secretary-General include in the mandates of special representatives specific requirements for close coordination between regional and country-specific special representatives. The Working Group is concerned that there be an appropriate division of labour between those special representatives tasked to address specific country-specific goals and issues and regional special representatives who are to address issues that cut across borders. It must be clear to national political leaders and other parties that the special representative speaks for the Secretary-General on political and military issues specific to their nation without any risk of conflicting messages from a regional special representative. It is vital that country-specific and regional representatives and special representatives closely coordinate their activities to avoid duplication, overlapping and possible confusion, and to enhance the effectiveness of the role of the United Nations. A clear distribution of labour should therefore be agreed and widely communicated between the national and regional representatives, whose separate roles and mandates should be seen as complementary and not in terms of one being subordinate to the other.

4.2 **The Secretary-General should encourage special representatives to coordinate with regional and subregional organizations.** The Working Group recommends that the Secretary-General give special representatives guidance to more closely cooperate with African regional and subregional organizations, especially those that address conflict prevention and resolution issues. The Working Group concluded that regular consultation with such organizations would not only be an effective source of ideas and information for special representatives in carrying out their duties but would also help to improve such organizations' capabilities to assist in future conflict prevention.

5.0 Improving the capabilities/training of special representatives

The Secretary-General should continue the efforts of the United Nations Institute for Training and Research (UNITAR) to provide "lessons-learned" operational training for special representatives. The Working Group is pleased at the current UNITAR project under way, with the assistance of the United Kingdom Government, to create, as a series of focused lessons-learned briefing materials for special representatives. The Working Group found a need for more hands on management training for special representatives and training in mediation skills, and supports UNITAR efforts to prepare technical and operational handbooks that would include standard operating procedures and requirements.

6.0 The role of the special representative

The Secretary-General should encourage special representatives to focus on results and not the process. The Working Group has concluded that the most effective special representatives are those who focus on the end result and not the process. Some current special representatives in Africa are failing to empower their staff to contact or are themselves failing to personally engage with political actors and rebel forces outside of any agreed-upon process. That approach is often driven by a fear of upsetting the negotiating process rather than an assessment of whether

an action might, in the long run, build a dialogue that achieves the ultimate goal. Special representatives need to have some flexibility to use their discretion to use whatever method and contacts will achieve their mission goals. The Working Group endorses encouraging such discretion for special representatives, but emphasizes the importance of the special representatives using such discretion in the context of ongoing and close consultations with the Secretary-General.

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Interim report of the Secretary-General on the United Nations Mission in Angola

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1433 (2002) of 15 August 2002, by which the Council established the United Nations Mission in Angola (UNMA) as a follow-on mission to the United Nations Office in Angola, and requested me to provide an interim report on the implementation of the Mission's mandate. This report summarizes key developments in Angola since my report of 26 July 2002 (S/2002/834). It describes the Mission's activities in the political, military, human rights, child protection, humanitarian and development fields, and identifies continuing challenges to the consolidation of peace in Angola.

II. Political developments

2. The period under review witnessed a number of significant political developments, in particular, the end of the armed conflict; the subsequent signing of the Memorandum of Commitment between the Government of Angola and the União National para a Indepêndencia Total de Angola (UNITA) on the remaining tasks under the Lusaka Protocol; the efforts of UNITA to unite and transform itself into a political party; and the completion of the work of the Joint Commission.

3. During my visit to Angola from 25 to 27 August 2002, I met with the President, Jose Eduardo dos Santos, members of his Government, the UNITA leadership and civil society groups. I held discussions on a number of key issues, particularly the continuing contribution of the United Nations to the consolidation of peace in the country. I also had the opportunity to witness at first hand the grave humanitarian situation facing Angola when I visited a camp for internally displaced persons in Viana, a suburb of Luanda. My visit also coincided with the signing of the Memorandum of Commitment during a special session of the Joint Commission, which I attended on 26 August 2002. Following the usual consultations, including with the Government of Angola, I appointed Mr. Ibrahim Gambari as my Special Representative for Angola and Chairman of the re-established Joint Commission.

End of the armed conflict

4. It should be recalled that the protracted armed conflict between the Government of Angola and UNITA came to an end with the signing, on 4 April

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2002, of the Memorandum of Understanding: Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Implementation of the Outstanding Military Issues under the Lusaka Protocol. There have been no reported violations of the ceasefire since that date. On 3 August, the Government of Angola declared that about 80,000 UNITA ex-combatants had been quartered, disarmed and demobilized in 41 reception areas, together with approximately 300,000 dependants. The Angolan Armed Forces indicated that they had collected most weapons from UNITA ex-combatants and that the locations of UNITA arms caches had been identified. On 2 August, the Government of Angola declared that the disarmament and disbanding of UNITA armed forces was complete. In accordance with the Memorandum of Understanding, 5,007 UNITA ex-combatants are being integrated into the national army and 40 UNITA personnel are being inducted into the police. In addition, 658 foreign ex-combatants from Rwanda and the Democratic Republic of the Congo, who were disarmed and demobilized along with 253 of their dependants, are currently awaiting repatriation.

5. The Joint Military Commission, which was established under the terms of the Memorandum of Understanding to oversee the pending military aspects, supervised and monitored the quartering, disarmament and demobilization process. Eight United Nations military liaison officers participated as observers in the work of the Commission and its central and regional technical groups, together with military observers from the three observer States to the peace process (Portugal, Russian Federation, and United States of America). The Joint Military Commission was renamed the Military Commission following the integration of UNITA military personnel into the national army and is responsible for monitoring the overall reintegration, reinsertion and resettlement phase of the demobilization process, including the provision of security and the distribution of food and medicines. It is also responsible for monitoring demining activities, as well as the identification and destruction of remaining weapons caches in the country. The Military Commission is expected to remain in session until the completion of the process of resettlement of ex-combatants.

Signing of the Memorandum of Commitment

6. With the military aspects of the peace process formally concluded, the Government of Angola and UNITA moved towards implementing the remaining political tasks under the Protocol. According to the Memorandum of Commitment for the Final Implementation of the Lusaka Protocol, signed on 26 August 2002, the parties agreed to implement, within a 45-day time frame, the following remaining tasks under the Lusaka Protocol: national reconciliation, including the social reintegration of UNITA ex-combatants; allocation of facilities for UNITA and residences for the party leadership; submission of UNITA's nominees for positions in a Government of Unity and National Reconciliation and the public service; establishment of UNITA as a political party and reinstating the status of the leader of the largest opposition party; review of the symbols of the Republic of Angola; and the electoral process.

7. In accordance with the Memorandum of Commitment, the Joint Commission on the Peace Process in Angola was re-established under the chairmanship of my Special Representative and composed of representatives of the Government of Angola and UNITA, and of the three observer States (the "Troika"), to facilitate and verify the implementation of the remaining tasks of the Lusaka Protocol.

Reunification and transformation of UNITA

8. It will be recalled that Paulo Lukamba "Gato" assumed the function of Coordinator of the Management Commission of UNITA senior officials, which was established in February 2002. Following the signing of the Memorandum of Understanding on 4 April, the UNITA leadership began its efforts to unify the various factions of the movement. After some three months of negotiations between UNITA-Renovada, led by Eugênio Ngolo Manuvakola, and the Management Commission of UNITA, under the leadership of Paulo Lukamba "Gato", major steps were taken towards the reunification of the party. On 30 July the leader of UNITA–Renovada resigned and, on 6 August, the Management Commission was replaced by a political commission composed of 60 members. In order to accommodate the concerns of some ex-UNITA-Renovada elements, this commission was expanded to 250 members on 4 October. On 2 November, the Head of UNITA's "external mission", Isaias Samakuva, returned to Angola to assume his responsibilities in the area of electoral affairs within the political commission. On 8 October, UNITA swore in its newly reunified political commission at the National Assembly in Luanda, formally marking the inauguration of UNITA as a unified political party. On 15 October, the Angolan National Assembly opened its 10th legislative session, during which Jerônimo Wanga was elected leader of the UNITA parliamentary group, the largest opposition party in the Assembly. In his opening speech, Mr. Wanga reaffirmed UNITA's commitment to genuine peace in Angola.

9. UNITA has since moved into a new national headquarters in Luanda, allocated to it by the Government. On 5 November, the Political Commission met to discuss the normalization of its political activities, in particular its expansion into the provinces. Subsequently, on 19 November, the Government of Angola declared that legal conditions had been fulfilled for all political parties, including UNITA, to operate freely throughout the country.

III. Activities of the Mission and the United Nations in support of the consolidation of peace in Angola

10. Under its resolution 1433 (2002), the Security Council mandated the Mission to undertake a number of tasks to finalize the implementation of the Lusaka Protocol and consolidate peace in Angola. To provide the necessary leadership to the process, I requested my Special Representative to proceed to Luanda, where he arrived on 14 September. Under his guidance, the Mission has successfully conducted activities in nearly all the areas of responsibility entrusted to it, including the conclusion of the work of the Joint Commission; participation as an observer in the Military Commission; and promotion of human rights. The Mission is also coordinating all aspects of humanitarian assistance, particularly the provision of food and medicines, through the concerned United Nations agencies.

11. It will be recalled that, under resolution 1433 (2002), the Security Council mandated my Special Representative to oversee a coordinated and integrated approach to the United Nations activities in Angola. To this end, my Special Representative has worked closely with the country team, as well as with the agencies, funds, programmes and implementing partners that deliver and support national efforts aimed at institution-building and full extension of governance throughout the territory of Angola. The Deputy Special Representative and

Humanitarian/Resident Coordinator in Angola also served as a member of the United Nations delegation to the Joint Commission on the Peace Process and contributed to its work, especially in the discussions on the humanitarian situation in the country.

Joint Commission on the Peace Process

12. A significant challenge in the past had been the high level of mistrust between the parties to the Lusaka Protocol, which repeatedly led to the breakdown of the peace process. The Joint Commission was therefore established to serve as a mechanism to ensure a structured dialogue between the parties on key issues and to ensure coordination with international partners, through the facilitation of the United Nations as the chair of the Commission.

13. The substantive work of the re-established Joint Commission, chaired by my Special Representative, commenced on 26 September, prior to which the Mission established a secretariat to facilitate its work. During the first session, it was agreed that the Chairman could hold informal consultations with individuals or groups of representatives outside the Joint Commission to provide information and share views on matters under the consideration of the Commission. During the Commission's second session, the UNITA delegation voiced its concerns over the Government's announcement that it intended to close reception areas for ex-combatants by 15 October 2002, as well as over the delay in providing the State subsidy to which its party was entitled under the law.

14. The Commission's third and fourth sessions focused on national reconciliation. During the third session, held on 14 October, UNITA requested the Government to issue a public statement to confirm that it could operate freely throughout the country as a political party. UNITA also submitted a list of its nominees for government positions to the Chairman. The Government handed over the keys to three houses and two apartments to UNITA, in accordance with the terms of the Memorandum of Commitment.

15. The Government delegation submitted a report on social reintegration for demobilized ex-combatants during the Joint Commission's fifth session, which was held on 24 October. It was also decided to establish a technical sub-group of the Commission, chaired by the Mission, to follow up on resettlement and reintegration programmes for ex-combatants. On 30 October, a special session devoted to social reintegration of demobilized combatants was held, during which the Chairman submitted his report on the visit made by the Joint Commission to the reception area at Mimbota, in Bengo Province. At the same time, the Government submitted a statement on the participation of UNITA in some of its organs dealing with social reintegration of demobilized combatants.

16. The sixth session of the Joint Commission was held on 7 and 8 November, during which members reviewed the Chairman's report on his exclusive consultations with a cross section of Angolan society, as well as the report of the technical sub-group on social reintegration of demobilized combatants. During the session, UNITA reiterated its request that the Government issue a statement ensuring that it could operate freely as a political party throughout the country. It also requested the establishment of a post-Joint Commission mechanism to monitor pending tasks and the lifting of remaining sanctions. For its part, the Government delegation agreed to the establishment of a mechanism for the continuation of

bilateral contacts with UNITA, which could include consultations with the United Nations and representatives of the Troika, although not in the same format as the Joint Commission.

17. In accordance with an agreement reached earlier, the final regular session of the Joint Commission was held on 19 and 20 November, during which the Government delegation informed UNITA that a statement confirming its right to operate as a political party had been made. The Joint Commission also signed a declaration proposed by the Government recommending that the Security Council consider the immediate lifting of all sanctions imposed on UNITA.

18. In its final declaration, the Joint Commission determined that the main tasks of the Lusaka Protocol had been concluded and decided to dissolve itself accordingly. The Government and UNITA also committed themselves to honour the agreements reflected in the signed minutes of the sessions of the Joint Commission, pursue the logic of peace in the settlement of disputes, never again to resort to war and to establish a bilateral mechanism to accompany and monitor remaining medium- and long-term tasks. The final report of the Joint Commission was signed on 26 November. Subsequently, the political commissions of the ruling party, Movimento Popular da Libertação de Angola (MPLA) and UNITA agreed to hold a high-level meeting in early December to discuss strategies concerning issues of national interest.

19. As the Joint Commission proceeded with its work, the Government paid UNITA the first instalment of the state subsidy allocated to it as a political party. It also appointed UNITA nominees as Governors of three of the 18 provinces, seven vice-Governors and six Ambassadors. UNITA also retained its four ministerial and seven vice-ministerial posts previously occupied by UNITA-Renovada. The Government furthermore agreed to greater UNITA participation in the National Commission for the Productive Social Reintegration of Demobilized and Displaced Persons. In addition, upon UNITA's insistence, the Government agreed to consider additional UNITA representation in the Institute for the Social Reintegration of Ex-Combatants. However, the Government is yet to make a determination on possible UNITA representation in the National Institute for the Removal of Mines and Unexploded Ordnance.

20. With regard to the aspect of the Lusaka Protocol dealing with the status of UNITA's leader, the Government submitted a document to UNITA on the provision of bodyguards and protocol arrangements. UNITA stated that it would study the document, but noted that a law should be passed to cover this question.

21. In the meantime, both parties agreed that the review of State symbols is to be addressed by the National Assembly. They also agreed that the question of the second round of the presidential elections of 1992 had been superseded by events and that they both looked forward to the next general elections. Underscoring the need for those elections to be free and fair and open to all eligible voters, UNITA requested that the United Nations be actively involved in the process. The Government also requested, in principle, the United Nations to assist in the electoral process, which is now envisaged to take place in 2004.

Coordination of the reintegration and resettlement process

22. The small group of military liaison officers at the Mission, who continue to participate as observers in the Military Commission, have conducted extensive field visits to reception areas. They have also assisted in coordination between the humanitarian agencies and non-governmental organizations (NGOs) working in the reception areas and officials of the Angolan Armed Forces (FAA). The liaison officers have observed that the internal organization and discipline in the reception areas, which is managed by the inhabitants themselves, is adequate. However, the humanitarian and social conditions remain worrisome and the ex-combatants suffer from increasingly low morale. Poor logistics and difficulties in accessing the reception areas are compounded by continued delay in the payment of salaries to ex-combatants and a lack of information concerning the reintegration and social insertion programmes. Many ex-combatants have resorted to other means of earning money, including by serving as paid labour in surrounding areas. This has created a heightened sense of insecurity in some parts of the country and there is concern that demobilized ex-combatants, without means of support, may resort to banditry and theft.

23. The resettlement and reintegration of some 80,000 ex-combatants and their 300,000 dependants, as well as the resettlement of about 4 million internally displaced people will continue to pose an unprecedented challenge for Angola. In this regard, the Government has announced its intention to close all reception areas by 31 December 2002 and has undertaken to fund 50 per cent of the estimated $55 million required to implement a two-year socio-economic reintegration programme. Assistance from the international community will be required to fund the rest of the programme.

24. In this connection, from 28 September to 17 October 2002, the World Bank led a mission to Angola that included the participation of United Nations agencies in the appraisal of the financial, social and environmental aspects of the Angola Demobilization and Reintegration Programme for ex-combatants. The Government has entrusted the Institute for the Socio-Professional Reintegration of Ex-Combatants with the responsibility for overall coordination of the Programme, while United Nations agencies and national and international NGOs would participate as implementing partners to manage the operational aspects of the programme. Funding for the programme is expected to come from the International Development Association, the Multi-Donor Trust Fund associated with the Multi-Country Demobilization and Reintegration Programme and the Government. World Bank discussions on support from the International Development Association for the project are to take place in January 2003. Funding could commence shortly thereafter.

25. It should be noted, however, that the Government initiated the resettlement of ex-combatants in all reception areas as early as October 2002 without adequate consultations with the ex-combatants and without proper distribution of resettlement kits, as previously envisaged. The unorganized resettlement of ex-combatants before ensuring that the areas of resettlement have been cleared of mines and that adequate resources are available to support the returnees, has been a source of tension. In addressing this issue, the Joint Commission's technical sub-group on demobilization, resettlement and reintegration, chaired by the Mission, has conducted preliminary assessment work to ensure that the reintegration process i

comprehensive and consistent with the spirit of the Lusaka Protocol and the Memorandum of Commitment. It has also been tasked with promoting coordination of the planning and implementation of the reintegration of ex-combatants. The technical sub-group presented its recommendations to reduce the gap between execution in the field and the policy level to the Joint Commission.

Human rights aspects

26. Under its resolution 1433 (2002), the Security Council mandated the Mission to assist the Government in the protection and promotion of human rights and in building national institutions to consolidate peace and enhance the rule of law. In order to achieve these objectives, the Mission formulated a six-month strategy, which established provincial human rights task forces in Huambo, Malanje, Kwanza Sul, Moxico, Bié, Uíge and Lunda Sul provinces, prior to the deployment of human rights officers to these provinces. The Mission has also initiated a number of activities, including enhancing Government capacity in the protection of human rights; community empowerment and participation; human rights monitoring; establishment of protection networks with existing local organizations; and sensitization programmes related to existing legal and administrative mechanisms. In addition, the Mission has integrated conflict management mechanisms into all its capacity-building activities. It should be noted that all human rights programmes, which have been funded voluntarily by Member States, will require more funding as they expand.

27. The Mission is implementing the second phase of the civic education and human rights training programme with the Angolan Armed Forces, targeting military instruction centres and schools where ex-UNITA combatants are receiving induction training. At the provincial level, the national police also participate in these training sessions and follow-up activities.

28. Realizing that access to justice by the reinforcement of the State administration is part of a larger peace-building approach, the Mission is working on making the projects in this area self-sustaining by a strengthened partnership with the United Nations Development Programme (UNDP) as well as other international organizations. A partnership with UNDP and the Ministry of Justice has resulted in a joint municipal justice project that aims at establishing 12 new municipal courts in the provinces. At the national level, the Mission is strengthening the institutional protection mechanisms by providing technical assistance and financial support to the Ninth Commission of the National Assembly, the Provincial Human Rights Committees of the Ministry of Justice, the Bar Association, the NGO "*Mãos Livres*" and the Emergency Legal Aid project of the Justice and Peace Commission of the Catholic Church.

Child protection

29. The plight of children remains grave in a context characterized by underfunded emergency assistance programmes, lack of appropriate reintegration programmes and inadequate institutional and legal protection for children. In this connection, the Mission has ensured the inclusion of relevant child protection issues on the agenda of the Joint Commission and other relevant government agencies. Furthermore, in cooperation with relevant United Nations agencies, the Mission has identified four major areas in need of urgent action: (a) protection of war-affected and displaced

children during the reintegration phase; (b) advocacy and support for the implementation of government policies on child protection, including adequate resources for child protection programmes, legislative reforms, measures to prevent the re-recruitment of child soldiers and gender discrimination, in particular against girls, measures to address the psychological impact on war-affected children, and extension of the Government's free birth registration campaign; (c) provision of child rights training for justice administration and public officials; and (d) assistance in establishing coordinating mechanisms to monitor serious violations of child rights, promotion of information exchange on child rights and assistance with fundraising for child rights sensitization campaigns.

30. In early November, the Mission conducted the first child rights training workshop for the Provincial Human Rights Committee in Benguela. It was agreed that the Committee should support specific programmes for children traumatized by war; actively participate in the Tracing and Reunification Programme run by the Ministry of Assistance and Social Reinsertion; seek to develop its own advocacy strategy for the promotion of children's rights; and ensure that all efforts were made to avoid gender discrimination.

Mine action

31. The Government of Angola and the Inter-Sectoral Commission for Mine Action and Humanitarian Assistance are increasing coordination efforts to implement concrete steps for demining, with limited support from the United Nations. Keeping in mind the resettlement process, the need for urgent resources to expand the scope of operation of demining activity becomes ever more urgent. The international community and NGOs are also supporting planning for a landmine impact survey.

Humanitarian activities

32. The overall humanitarian situation in the country remains extremely difficult, but there has been some notable progress in meeting the needs of the Angolan people. Since June 2002, the humanitarian operation has doubled in size and more than one million people have been assisted as a result of the delivery of integrated programmes in food, nutrition, health, non-food items, water and sanitation. The humanitarian community remains focused on meeting acute emergency needs, while planning to move towards recovery and reconstruction in the coming months.

33. From 1 July to 30 August, the percentage of the population with acute malnutrition and life-threatening shortfalls in essential food and medicines declined significantly, mainly due to the massive expansion of humanitarian operations. By late September, however, malnutrition levels increased owing to the return of more than 700,000 internally displaced persons to areas where food, health and sanitation services were not yet available. In mid-October, six months after the end of hostilities, the United Nations was providing food and humanitarian assistance to 1.8 million people, a larger number than at any time during the civil war.

34. Access to previously inaccessible areas improved significantly during the reporting period. By mid-October, approximately 60 per cent of the country had become accessible to humanitarian partners, while in April 2002, only 20 per cent of the country had been accessible. The amount of humanitarian assistance delivered by air dropped from 43 to 28 per cent, reducing the overall cost of the humanitarian

operation. However, about 40 per cent of the country is still inaccessible owing to damaged infrastructure and extensive mine infestation. Sixty per cent of all main roads and about 80 per cent of all roads and airstrips are still damaged. Seven provinces are still heavily mined, and mine infestation is suspected in 50 per cent of all sites slated for returnees. Moreover, the onset of the rainy season threatens to cut off up to 40 per cent of the areas receiving humanitarian assistance, leaving over one million people without assistance and further delaying recovery and reconstruction.

35. In response to the changing situation, the Provincial Emergency Plans of Action for Resettlement and Return were drafted in June and July 2002. The plans projected the return of approximately 1,750,000 internally displaced persons in 18 provinces to their areas of origin in more than 500 locations spread over 118 municipalities in 17 provinces. Between April and August 2002, approximately 100,000 people returned to their areas of origin. In August, the Office for the Coordination of Humanitarian Affairs provided support to the Government's Technical Unit for the Coordination of Humanitarian Assistance for the initiation of a registration database to record the return and resettlement process. By early September the rate of return had accelerated sharply, reaching a rate of 10,000 returnees per day. Of the 750,000 internally displaced persons who had resettled or returned to their areas of origin by mid-October, only 10 per cent had moved under an organized plan in accordance with the regulations of the Norms on the Resettlement of Displaced Populations. It is expected that as many as 800,000 to 900,000 people may have returned to their resettlement sites by the end of 2002. Critical humanitarian needs may emerge in at least 50 per cent of these sites, requiring a significant increase in the scope and scale of the humanitarian operation in Angola.

36. The process of humanitarian coordination continues to be extensive. At the operational level, 80 humanitarian coordination forums continue to operate in 17 provinces, bringing together 11 Government ministries and departments, 10 United Nations agencies, 100 international NGOs and 320 national NGOs. In addition, the Office for the Coordination of Humanitarian Affairs has convened special coordination activities aimed at producing specific outputs such as the Provincial Emergency Plans of Action for Resettlement and Return. In close consultation with the Government of Angola, national and international NGOs and donors, the United Nations consolidated inter-agency appeal for Angola was officially launched in Luanda on 26 November. About $384 million is required to enable the United Nations system in Angola to continue providing funding and complementing the Government's efforts in the areas of food security, public health, protection and education, as well as access and coordination. This is expected to be the last emergency appeal for Angola, and comes at a crucial time in the consolidation of peace.

Development activities

37. One of the challenges facing Angola is the establishment of a comprehensive national development policy framework. The United Nations Common Country Assessment was launched on 24 October, while the Interim Poverty Reduction Strategic Plan covering the period 2004-2008 is under preparation by the Angolan Government, with support from UNDP and the United Nations Development Assistance Framework (UNDAF). These frameworks are expected to establish broad social and economic policy objectives for the resettlement and reintegration process,

with a view to longer-term development objectives that also support the achievement of the Millennium development goals.

38. An area for special consideration is the challenge of HIV/AIDS. In October, the United Nations Children's Fund (UNICEF) and UNDP launched a study on the socio-economic impact of HIV/AIDS. A project promoting the inclusion of HIV/AIDS prevention in the school curriculum started in August, supported by UNDP together with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Joint United Nations Programme on HIV/AIDS (UNAIDS). The United Nations activities in the fight against HIV/AIDS have mainly focused at this stage on ex-combatants and internally displaced persons.

39. To reduce the impact of the main and vaccine-preventable causes of mortality of children under 5 in Angola, UNICEF has negotiated a nationwide measles vaccination campaign with the Government, which the latter has agreed to implement in April 2003. With polio eradication now within reach, strong multi-year donor support will be required to continue carrying out targeted, national, and cross-border polio campaigns until 2005.

40. Although donors have shown renewed interest in supporting recovery and development initiatives, the completion of the Interim Poverty Reduction Strategic Plan is perceived by many as a prerequisite for convening an international donor's conference for Angola. Further and deeper institutional reforms are also considered important to pave the way for an agreement between the Government and donors. Clearly, the earliest redirection of expenditures by the Government towards social sectors would encourage complementary funding from the international community. In this regard, the Government of Angola has requested the United Nations to assist and support its efforts in securing additional financing for humanitarian assistance and post-conflict development in Angola by convening an international donor conference. The donor conference is tentatively scheduled for early 2003.

III. Challenges ahead

41. Many of the challenges facing Angola are a consequence of the devastation and destruction brought about by a protracted civil war which lasted for almost three decades. At the political level, a durable resolution of the conflict is linked to democratic legitimization and representation, which, in turn, will facilitate national reconciliation. In the economic and social fields, a durable solution requires efficient delivery of State services, the creation of economic opportunities for many citizens who have been marginalized for too long and the effective extension of Government and public administration. With the initiation of the Government's resettlement programme, the provision of these services is particularly critical to the welfare of a significant portion of the Angolan population.

42. It should be noted that neither the Memorandum of Commitment nor the Memorandum of Understanding addressed all of the remaining tasks under the Lusaka Protocol, including the provision by the Government and UNITA of all available information relating to the location of mines and other explosives to the United Nations; verification of the neutrality of the Angolan National Police and the disarming of all civilians; provision of guarantees of basic freedom and human rights within the national reconciliation process; and the implementation of administrative decentralization programmes. The Lusaka Protocol also foresaw the

extension of State administration throughout the country and the integration of UNITA members at all levels of Government, as well as access by all Angolans to social services in all parts of the country. As no consensus has been reached on many of these vital issues in the framework of the Joint Commission, the parties agreed to establish a bilateral mechanism, following the dissolution of the Joint Commission, to continue discussions on those issues.

43. Disarmament of the civilian population remains central to the overall enhancement and consolidation of peace and security in Angola. The concerns of Angolan civil society over this issue reflect a continuing trend of insecurity in some of the provincial and urban areas, where banditry has increased significantly. In consolidating peace and completing the implementation of the Lusaka Protocol, the disarmament of the civilian population deserves urgent attention. Moreover, since Angola continues to be one of the most heavily mined countries in the world, there is an urgent need to accelerate demining activities throughout the country.

44. Full support for the promotion and protection of human rights, especially for children, is also required throughout the country. In this regard, human rights and outreach programmes should be carried out, not only in urban centres, but also in rural communities. Where applicable, international conventions should be incorporated into national law. In addition, the timely scheduling of and preparations for the election process remain a key aspect of the post-Joint Commission period. In this regard, there is a need for the earliest possible constitutional review, the issuance of identity cards, voter registration, the establishment of an independent electoral commission, and the enactment by the National Assembly of new legislation ensuring that all eligible voters are enfranchised.

45. Above all, there is now an opportunity, within the process of national reconciliation, to address the key issues of developing and enhancing a culture of widened democracy, inclusiveness, accountability and transparency. The time has also come to introduce the necessary measures in order to curb corruption and to ensure respect for individual and basic freedoms.

46. In accordance with their mandate, both components of the Mission will continue to support the comprehensive implementation of demobilization, reinsertion and resettlement programmes for ex-combatants, internally displaced people and refugees. In this connection, the military liaison officers in the Mission will continue to monitor and report on the closure of the reception areas, the implementation of social rehabilitation and reinsertion programmes and demining activities. The disarmament, demobilization and reintegration component of the Mission will also continue to facilitate the coordination of the humanitarian agencies, NGOs and the Government, as well as the World Bank and other donors to this process.

IV. Observations

47. After 27 years of war, there at last are real prospects for lasting peace in Angola. Over the last several months, the country has witnessed several major developments that will contribute to the process of national reconciliation. Credit for this must be given primarily to the Government of Angola and UNITA, who have both demonstrated the will and determination to end the suffering of the Angolan people and to work together towards restoring the stability and security necessary

for sustainable development. UNITA's strategic decision to abandon the military path and transform into a unified political party has played an important role in that regard and should be commended. I would also like to encourage the Government of Angola to pursue the consolidation of peace, both politically and financially. At the same time, the international community must be commended for the assistance it provided to Angola in overcoming its difficult past. In this context, due credit should also be given to the sustained effort of the entire United Nations system, which has invested and contributed so much to the cause of peace in that country.

48. The challenges facing the Angolan people, as outlined in the present report, are still considerable. It is imperative, therefore, that the United Nations and the international community continue to support the Angolan people in further consolidating peace, in the reconstruction of their country and in meeting the needs outlined recently in the consolidated inter-agency appeals process. This, in turn, must be accompanied by a strong will on the part of the Government of Angola to establish transparent and accountable governmental institutions across the board, as well as to allay any concerns its people and the donor community may have on the allocation and spending of national revenues.

49. While significant progress has been made on the political track, the major remaining challenges are in the humanitarian and developmental sectors. The Mission has effectively functioned in an integrated and coordinated manner, and with the completion of the work of the Joint Commission, I have requested my Special Representative to return to New York. While he will be visiting Angola regularly until the expiration of the Mission's mandate, the Resident/Humanitarian Coordinator has been designated as Deputy Special Representative for Angola and officer-in-charge of the Mission.

50. Based on the further progress which I trust will be made in the next two months, and following consultations with the Angolan Government, I intend to provide recommendations on the future role of the United Nations in Angola in my next report to the Security Council. These recommendations will reflect progress achieved to date and continuing requirements to consolidate and strengthen peace in Angola.

51. In conclusion, I wish to thank Mr. Ibrahim Gambari, my Special Representative for Angola, for his leadership as head of the Mission, and for bringing the work of the Joint Commission to a successful conclusion. I also wish to thank the United Nations Country Team for its commendable efforts in promoting peace and stability in Angola during this critical period. Furthermore, I would like to express my appreciation to the "Troika" Observer States and all other States concerned, who have continued to actively support these vital efforts.

United Nations S/2002/1354

Security Council

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12 December 2002
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Letter dated 9 December 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the daily report for 9 December 2002 on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

02-73884 (E) 171202 181202

Annex to the letter dated 9 December 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Daily report on the activities of the UNMOVIC and IAEA inspection teams in Iraq

Daily activity report for 9 December 2002

I

An UNMOVIC team consisting of 15 inspectors and led by Mr. William Jolley set out from its base at the Canal Hotel in Baghdad at 0825 hours. At 0930 hours it arrived at the site of the chlorine plant and the phenol plant in Fallujah, some 70 kilometres north of Baghdad. Both plants belong to the Tariq State Enterprise, one of the entities of the Military Industrialization Corporation (MIC). On arrival, the team divided into two groups.

One group met with the managers of the chlorine and phenol plants and the enterprise liaison officer with the National Monitoring Directorate (NMD). It asked about the activities undertaken by the two plants between December 1998 and the present. It was told that the chlorine plant had suspended operations in August 2002 owing to a shortage of spare parts. The output of the phenol plant fluctuates because of a boiler malfunction. (Phenol is obtained from petroleum derivatives and is used in many civilian industries and in such products as pharmaceuticals and agricultural pesticides.) Those in charge of the two plants also explained that changes had been made to the camera-based monitoring systems and that they and the air-sampling boxes had been placed in the enterprise stores for safekeeping after the United States and British aggression against Iraq of 16 to 20 December 1998. The team was informed that all of the changes that had been made with regard to the movement of equipment to and from the two sites had been described in the semi-annual declarations.

The other group toured the two plants in order to check tagged equipment. It also took radiometric and chemical readings using hand-held devices.

The team, comprising both groups, concluded its task at 1320 hours and arrived back at its base at the Canal Hotel at 1435 hours.

II

There were two IAEA teams.

One team, consisting of 18 inspectors and led by Mr. Philip Caulfield, set out from the Canal Hotel at 0840 hours. At 0905 hours it reached the site of the Iraqi Atomic Energy Commission (IAEC) at Tuwaythah, south of Baghdad, and divided into three groups.

One group inspected the two stores containing nuclear materials. It inventoried the nuclear materials there, inventoried and weighed the containers, used counters to establish degrees of enrichment for each container, measured the radioactivity of the containers and made a gamma-ray spectrum analysis using hand-held devices in order to ascertain the quality and quantity of the nuclear

materials in the containers. The group concluded its work, sealed the doors of the two stores and left the site at 1520 hours.

The second group took samples of water from the IAEC heavy-water station and soil samples from the area around the station. It also took samples of water and soil from the Tigris River at a location outside the immediate vicinity of the IAEC site.

The third group checked the semi-annual declarations and divided into sub-groups to conduct a radiometric survey, using hand-held devices, of all the IAEC buildings and the major internal roadways so as to detect any alleged radioactivity. It also took swab samples of all the contents of the stores and the equipment they contained in order to verify that there was no radioactivity. It also inspected the store of radioactive sources and checked the Agency seals on the wells in which the sources were stored. Finally, it made a tour that included the background radiation section, the physics and materials research department, the IAEC sites that had been destroyed (the 17 Tammuz reactor and the fuel processing division), the heavy-water treatment station and the diesel engine station near the medical preparations building.

The aforesaid groups finished their work one by one, and the last to do so left the IAEC complex at 1545 hours and reached the Canal Hotel at 1615 hours.

The second IAEA team, consisting of six inspectors and led by Mr. Robert Kelley, set out from its base at the Canal Hotel in Baghdad at 0845 hours. At 0945 hours it arrived at the Qa`qa State Enterprise, located some 30 kilometres south-west of Baghdad.

1. On arrival at the site the team met with the general manager of the enterprise and its NMD liaison officer and asked about enterprise activities and plants.

2. The team visited some of the plants at the enterprise, the explosive materials destruction site and the research and development division. It photographed some of the plant assets.

3. It took swab samples from some locations.

4. It took an 81-millimetre rocket casing as a specimen.

The team finished its work and left the site at 1540 hours, and it reached the Canal Hotel at 1626 hours.

III

On the evening of 9 December 2002, two groups from the Baghdad Ongoing Monitoring, Verification and Inspection Centre (BOMVIC) met with NMD officials to consider communications equipment requirements and the basing and deployment of the UNMOVIC helicopter group. The Iraqi side agreed to provide the necessary facilities.

IV

Remarks

1. The chlorine and phenol plants at Fallujah, the IAEC site at Tuwaythah and the site of the Qa'qa enterprise that were visited by the inspection teams are sites that were alleged, in the report of British Prime Minister Tony Blair and the report of the United States Department of State, to be manufacturing weapons of mass destruction.

2. The United States and the United Kingdom have accused Iraq of using aluminium tubes to fabricate centrifuges for uranium enrichment. The inspection team acquainted itself with the true state of affairs, namely that these aluminium tubes are being used as 81-millimetre rocket casings.

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Security Council

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Letter dated 10 December 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith the daily report for 10 December 2002 on the activities of the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

02-73896 (E) 191202 191202

Annex to the letter dated 10 December 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Daily report on the activities of the UNMOVIC and IAEA inspection teams in Iraq

Daily activity report for 10 December 2002

I

An UNMOVIC team consisting of nine inspectors and led by Ms. Kay Meirish set out from its base at the Canal Hotel in Baghdad at 0830 hours. At 0905 hours it arrived at the site of the national brucellosis and bovine tuberculosis project run by the Ministry of Agriculture's State Enterprise for Veterinary Medicine. The project is in the Abu Ghraib area, some 20 kilometres west of Baghdad. It is one of the sites that was subject to the ongoing monitoring regime, and it was visited by inspection teams from the former Special Commission on numerous occasions. The project produces vaccines for brucellosis and bovine tuberculosis.

The team met with the project manager and asked him about the agency supervising the project and about the items imported for it. The team checked the culture media and vaccines stored in the cold rooms.

The team concluded its visit to the project at 1100 hours and proceeded to the Saddam Biotechnology Research Centre at Baghdad University in the Jadiriyah area of Baghdad. This is one of the sites mentioned in Iraq's recent declaration as housing dual-use equipment. The centre was founded in 1999 in order to set up scientific laboratories in the biotechnology field and elaborate the relevant safety standards for work and research.

The team reached the centre at 1140 hours and, on arrival, met with its director. He provided an overview of the establishment and objectives of the centre and of its cooperation with other research agencies. The team toured all the facilities at the centre, asked about the nature of the laboratories and inventoried all the growth media subject to the monitoring regime.

The team concluded its visit at 1410 hours. It then visited the Communicable Diseases Control Centre in Sahat al-Andalus in the centre of Baghdad in order to fix the site's coordinates. After this visit, the team returned to its base at the Canal Hotel at 1450 hours.

II

Another UNMOVIC team was to have set out at 0830 hours, and Iraqi escorts had been ready to accompany it. The team informed them, however, that its inspection assignment had been cancelled because one of its members had been delayed until 0920 hours.

III

An IAEA team set out from the Canal Hotel and divided into three groups.

1. The first group, consisting of two inspectors and led by Creg Lavender, set out from the Canal Hotel at 0827 hours. At 0945 hours it arrived at the Karamah State Enterprise's Ibn al-Haytham site located in the northern outskirts of Baghdad. On its way there, the group engaged in a manoeuvre and first headed south before turning north with a view to ensuring an element of surprise. The Ibn al-Haytham site is for the production of parts for missiles of a range permitted under the relevant Security Council resolutions. It is one of the sites that was subject to ongoing monitoring, and the inspection teams of the former Special Commission visited it dozens of times. It was bombed in the United States and British aggression of 16 to 20 December 1998. The group entered the site and made a tour of the interior of the buildings, workshops and stores. It asked the site manager about the items of equipment and their current use, and it checked the tags on some of the machinery at the site. The group concluded its work at the Ibn al-Haytham site and proceeded to another site, namely Karamah enterprise's Fath site in the Tajiyat area north of Baghdad. The Fath site is for the mechanical machining of parts for missiles of a range permitted under the relevant Security Council resolutions. It was established in 1999, and it is mentioned in Iraq's recent declaration. The group made a general tour of the site buildings and familiarized itself with the site equipment. It asked about the date the site was constructed and the number of staff employed there. The group concluded its work at this site and moved on to another, namely the Karamah enterprise's Sumoud site in the Abu Ghraib area. This is a site for the mechanical machining of parts and rocket motors for missiles of a permitted range. The site was established in 1999, and it is mentioned in Iraq's recent declaration.

The group met with the Sumoud site manager and familiarized itself with site activities. It made a general tour of the buildings and examined the tagged equipment and machines.

The group then went to the State Electrical Industries Enterprise in the Waziriyah area of central Baghdad, arriving there at 1245 hours. This is one of the enterprises of the Ministry of Industry and Mining, and it is for the manufacture of electrical appliances and equipment for household use, such as air conditioners, fans, water pumps and motors for air coolers. The group met with the manager of the enterprise, familiarized itself with its activities and made a general tour of all its various divisions.

The group concluded its task at 1330 hours and reached the Canal Hotel at 1345 hours.

2. The second group, consisting of five inspectors and led by Nikolai Lazarev, set out from the Canal Hotel at 0830 hours. At 0900 hours it arrived at the Iraqi Atomic Energy Commission site at Tuwaythah. It unsealed the two nuclear materials stores and resumed the nuclear materials tests it had begun on the previous day (9 December). It concluded its visit at 1400 hours and arrived back at the hotel at 1430 hours.

3. The third group, consisting of six inspectors and led by Robert Kelley, set out from the Canal Hotel at 0830 hours. At 0955 hours it reached the site of the Furat State Enterprise for Chemical Industries (Ministry of Industry and Mining). The enterprise is located in the town of Saddat al-Hindiyah in Babil governorate, some

80 kilometres south of Baghdad. It produces liquid chlorine, concentrated sulphuric acid, diluted sulphuric acid for use in wet batteries, caustic soda and other chemicals for civilian use.

On arrival at the enterprise the group met with its manager and NMD liaison officer. The group leader asked about the activities and products of the enterprise, and his questions were answered.

The inspection team made a general tour of all the enterprise's workshops and stores and conducted a radiometric survey, using hand-held devices, of all facilities and roadways in the enterprise with a view to detecting any alleged nuclear activity, nuclear materials or undeclared sources of radiation. It also took swab samples from the main air extractor fans for the artificial silk production line discontinued in 1993. The group concluded its visit at 1215 hours and moved on to another site.

At 1218 hours the group arrived at the Saddah cement plant (Ministry of Industry and Mining) near the Furat enterprise. It met with the plant manager and asked him about HMX, an explosive used in stone quarries. The group concluded its visit at 1253 hours and moved on to another site.

At 1255 hours the group arrived at the Qa'qa State Enterprise's Babil project, which has suspended operations, and made a general tour of inspection there. The group completed its work at 1315 hours and reached the Canal Hotel at 1420 hours.

IV

Another IAEA team, consisting of 11 inspectors and led by Philip Caulfield, set out from the Canal Hotel in Baghdad at 0825 hours. At 1335 hours the team reached the State Phosphate Enterprise at Qa'im, some 400 kilometres west of Baghdad. The enterprise belongs to the Ministry of Industry and Mining and is for the production of agricultural fertilizers. On arrival, the team met with the site manager and asked him about the nature of the enterprise's work. The team then split into three groups.

One group proceeded to the Qa'im cement plant. On arrival, it met with the plant manager and asked him about electric power consumption at the plant and the type of cement produced. The group also made a tour of the plant during which it examined the various stages of production. It took samples from various stages and filmed the site with video cameras and took photographs of it inside and out. The group concluded its work at 1625 hours.

A second group visited the phosphoric acid production plant and the fertilizer plant, and it filmed the site with video cameras and took photographs of it. The group also visited a uranium extraction unit that had been destroyed and examined the waste being stored in drums.

The third group visited sites of stores and nearby buildings and workshops, and it familiarized itself with the contents of the stores.

The three groups concluded their work at 1715 hours and proceeded to the housing complex at the phosphate enterprise to spend the night.

V

The communications group set out from the Canal Hotel at 1000 hours. It visited the Rashid airfield to select a site for the erection of a new communications tower in order to ensure communications between the airfield and the Canal Hotel. After concluding its visit to the Rashid airfield, the group visited the satellite communications ground station at Niba'i, north of Baghdad, to check the retransmitter unit used previously. The group concluded its work and returned to the Canal Hotel at 1430 hours.

VI

Most of the sites visited by the IAEA and UNMOVIC inspection teams on 10 December 2002 were alleged in the report of the British Foreign and Commonwealth Office and the report of the United States Department of State to be involved in prohibited activities and the manufacture of weapons of mass destruction.

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Security Council

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13 December 2002

Original: English

Draft resolution

The Security Council,

Recalling its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002 and 1431 (2002) of 14 August 2002,

Having considered the nominations for permanent judges of the International Tribunal for Rwanda received by the Secretary-General,

Forwards the following nominations to the General Assembly in accordance with article 12 bis, paragraph 1 (d), of the Statute of the International Tribunal:

Mr. Mansoor Ahmad (Pakistan)

Mr. Teimuraz Bakradze (Georgia)

Mr. Kocou Arsène Capo-Chichi (Benin)

Mr. Frederick Mwela Chomba (Zambia)

Mr. Pavel Dolene (Slovenia)

Mr. Serguei Aleckseievich Egorov (Russian Federation)

Mr. Robert Fremr (Czech Republic)

Mr. Asoka de Zoysa Gunawardana (Sri Lanka)

Mr. Mehmet Güney (Turkey)

Mr. Michel Mahouve (Cameroon)

Mr. Winston Churchill Matanzima Maqutu (Lesotho)

Mr. Erik Møse (Norway)

Ms. Arlette Ramaroson (Madagascar)

Mr. Jai Ram Reddy (Fiji)

Mr. William Hussoin Sekule (United Republic of Tanzania)

Mr. Emile Francis Short (Ghana)

Mr. Francis M. Ssekandi (Uganda)

Mr. Cheick Traoré (Mali)

02-74017 (E) 131202

Mr. Xenofon Ulianovschi (Republic of Moldova)

Ms. Andrésia Vaz (Senegal)

Ms. Inés Mónica Weinberg de Roca (Argentina)

Mr. Mohammed Ibrahim Werfalli (Libyan Arab Jamahiriya)

Mr. Lloyd George Williams (Saint Kitts and Nevis)

United Nations S/2002/1357

Security Council

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12 December 2002
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Letter dated 11 December 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

In reference to the consultations which took place in the Security Council on Friday 6 December 2002, the telephone consultations which took place on Saturday, 7 December 2002, and Sunday, 8 December 2002, the consultations held by the Council on 9 December 2002 for deliberation on Iraq's delivery of its declaration pursuant to paragraph 3 of Security Council resolution 1441 (2002) and the decision which you took on your own responsibility, in your capacity as President of the Security Council, on Sunday evening, 8 December 2002, in addition to the statement which you made to the media late Sunday night, 8 December 2002, the Government of the Syrian Arab Republic wishes to express the following:

1. Syria's indignation over the violation of Security Council procedures, which do not permit a Council President to issue a statement on his own responsibility, especially since the prior consultations revealed a lack of consensus regarding the content of that statement. Syria emphasizes that the erroneous procedure should not constitute a precedent for the work of the Council.

2. Syria, which is a member of the Security Council, has no knowledge of any request by the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) for assistance from States expert in the field of assessing the dangers of proliferation and other sensitive information. Consequently, the statement of the President is an unacceptable justification of the arrogation of the Iraqi declaration by some members of the Council to the exclusion of the other members.

3. The statement made by the President of the Council to journalists on 8 December 2002 on his own responsibility is a violation of the provisions of paragraph 3 of Security Council resolution 1441 (2002) and also constitutes flagrant discrimination against Council members who are supposed to be treated equally, particularly since the Syrian Arab Republic is the only Member State on the Security Council that is a neighbour of Iraq and is directly affected by all that is happening there.

4. The Syrian Arab Republic voted in favour of resolution 1441 (2002) in the interest of preserving unity in the Security Council and a consensus among its members, which was shattered when the aforementioned statement was made.

02-73729 (E) 121202 121202

5. The Syrian Arab Republic reaffirms once again that it does not associate itself with your statement, which was an inappropriate way of handling the Iraqi declaration, and stresses that limiting the distribution of the Iraqi declaration to certain Member States does not give any of them the right to make use of ultra-sensitive paragraphs or those dealing with the danger of proliferation for their own purposes, which are alien to the purposes of the Security Council and its resolutions, and that the Security Council is the only entity empowered to determine the extent to which its resolutions are being complied with.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mikhail **Wehbe**
Ambassador
Permanent Representative

United Nations S/2002/1358

Security Council

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13 December 2002

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Letter dated 12 December 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to forward herewith the statement made by Honourable Jean de Dieu Mucyo, Minister of Justice and Institutional Relations of the Republic of Rwanda, on the failure of the proposed meetings between representatives of the Government of Rwanda and the International Tribunal for Rwanda (see annex).

I would be grateful if the statement could be published and circulated as a document of the Security Council.

(*Signed*) Anastase **Gasana**
Ambassador
Permanent Representative

02-74122 (E) 161202

Annex to the letter dated 12 December 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Statement on the failure of the proposed meetings between representatives of the Government of Rwanda and the International Tribunal for Rwanda

The Government of Rwanda has for many years had grave misgivings on the functioning of the International Tribunal for Rwanda.

These concerns have time and again been communicated directly to the successive presidents, prosecutors and registrars of the Tribunal in meetings in Rwanda, at The Hague and other places.

Unfortunately, the management of the Tribunal has always hidden behind the facade of the independence of the Tribunal to avoid discussion of many critical and legitimate concerns, equally shared by the international community, which the people of Rwanda have on the functioning of the Tribunal.

The Government of Rwanda renewed its call for dialogue with the management of the Tribunal in meetings with the President of the Tribunal in Arusha in May 2002 and with the Prosecutor and the Registrar in Kigali at the end of June 2002. These officials each at the time professed their willingness to have a dialogue with the Government of Rwanda at the earliest opportune time. The Government of Rwanda has since repeatedly reminded the leadership of the Tribunal of the urgency of holding the proposed dialogue, but to no avail.

The dialogue which the Government of Rwanda proposed and has incessantly demanded never took place. The proposed dialogue became a victim of the legendary internal wrangles and bureaucratic bickering within the Tribunal. Some of the management of the Tribunal have separately indicated to the Government of Rwanda that blame for the failure to have the dialogue lies with their colleagues within the management of the Tribunal.

The Government of Rwanda took the initiative to invite the leadership of the Tribunal to Rwanda to discuss outstanding problems when it became apparent that the management of the Tribunal only wanted a propaganda visit by representatives of the Government of Rwanda and were not ready for substantive dialogue to address issues of concern to Rwanda.

The management of the Tribunal inexplicably turned down the invitation of the Government of Rwanda. The judges of the Tribunal have rarely visited Rwanda. On the two occasions when the judges have made brief visits to Rwanda (once to visit the sites of massacres which were the subject of a case one of the Chambers was hearing and once to make courtesy calls), the visits were vociferously criticized by the defence on the absurd grounds that they constituted a show of partiality towards Rwanda. Since then, the judges of the Tribunal have deliberately refrained from visiting Rwanda. The Tribunal has hence become hostage to the extremist propaganda of suspects on trial and their accomplices still at large as well as some defence counsel who have chosen to politicize the entire process.

The failure of the management of the Tribunal to reach an internal consensus as to how the debate with the Government of Rwanda should proceed led to the proposal to have an independent third party in the person of Ambassador Pierre Prosper, United States Ambassador-at-Large for War Crimes Issues, facilitate discussion between Rwanda and the Tribunal, a proposal which was at the time warmly endorsed and adopted by the President of the Tribunal. Ambassador Pierre Prosper had expressed his willingness to attend as an independent third party since he has closely followed the workings of the Tribunal.

The unilateral decision of the President and the Registrar of the Tribunal to withdraw the request to Ambassador Pierre Prosper to facilitate the proposed meeting between representatives of the Tribunal and the Government of Rwanda is totally unacceptable. It illustrates once again not only the lack of will on the part of the leadership of the Tribunal to engage in dialogue on issues which confront the Tribunal, but also the existence of crippling differences within the leadership of the Tribunal which do not bode well for any agreement which may be reached by the parties following any negotiations.

The Government of Rwanda, being mindful of the earnest desire of all the people of Rwanda for a credible, properly functioning and effective Tribunal:

1. Reiterates its grave concerns over mismanagement within and the poor performance of the Tribunal;

2. Reaffirms its support for genuine dialogue with the leadership of the Tribunal on issues of concern to the people of Rwanda and renews the invitation previously extended to the leadership of the Tribunal to visit Rwanda to discuss outstanding issues;

3. Welcomes the efforts made by Ambassador Pierre Prosper of the War Crimes Issues Office of the United States Department of State to facilitate meetings between the Government of Rwanda and the leadership of the Tribunal and still strongly supports the involvement of such a third party in mediating the proposed dialogue with the Tribunal;

4. Calls upon the Secretary-General of the United Nations and the Security Council once again to take the necessary measures to redress the mismanagement within the Tribunal; and

5. Also calls upon the international community to prevail upon the leadership of the Tribunal to agree to unconditional dialogue with the Government of Rwanda on all matters relating to the functioning of the Tribunal which have long been of concern to the victims of genocide in particular and the Government and people of Rwanda in general.

Done at Kigali this 12th day of December 2002.

(*Signed*) Jean de **Dieu Mucyo**
Minister of Justice and Institutional Relations

United Nations S/2002/1359

Security Council

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Note verbale dated 11 December 2002 from the Permanent Mission of Kenya to the United Nations addressed to the President of the Security Council

The Kenya Mission to the United Nations presents its compliments to the President of the Security Council and has the honour to request that the Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process, which was signed in Eldoret, Kenya, on Sunday, 27 October 2002, be issued as a document of the Security Council (see annex).

02-73936 (E) 171202

Annex to the note verbale dated 11 December 2002 from the Permanent Mission of Kenya to the United Nations addressed to the President of the Security Council

Somalia National Reconciliation Process
Eldoret, Kenya

Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process

WE, the undersigned,

GUIDED by the common desire of the people of Somalia for peace;

AWARE of the prevailing poverty of the Somali people and their humanitarian needs;

DESIRING to bring an end to the continuing conflict in Somalia;

COMMITTED to the improvement of regional security for all Somalis and the regional states;

WELCOMING the commitment of the international community to respect the sovereignty, territorial integrity, political independence and unity of Somalia;

APPRECIATING the leading role of the IGAD Frontline States (Djibouti, Ethiopia and Kenya) in this process;

APPRECIATING further the efforts of the international community in promoting national reconciliation in Somalia;

ACKNOWLEDGING that the Somali authorities have the primary responsibility for ensuring the well being of civilians in Somalia;

HEREBY SOLEMNLY UNDERTAKE the following commitments:

Article 1
Federalism

1) To create federal governance structures for Somalia, embodied in a Charter or Constitution, which are inclusive, representative, and acceptable to all the parties

2) To endorse the principle of decentralization as an integral part of Somalia's governance structures

3) To ensure the rights, representation and protection of all Somali individuals and groups

Article 2
Cessation of Hostilities

1) To abstain from the conduct of hostilities in Somalia from 27 October 2002 and to maintain this state of affairs during the peace process, its implementation and subsequently

2) To use only peaceful means in the resolution of all disputes between political, military and other groups and the communities they represent

3) To ensure that all political, military and other groups maintain only defensive military positions and capabilities, and refrain from any military provocations

4) To implement fully the United Nations Arms Embargo for Somalia (UN Security Council Resolution 733 of 1992)

5) To invite the international community to undertake field-based and remote monitoring of the arms-embargo, and to guarantee their representatives unimpeded and safe access

Article 3
Enhanced Safe Access for Aid

1) To respect the rights of the people of Somalia to receive humanitarian assistance

2) To guarantee the security of all humanitarian and development personnel and installations, including those of the United Nations Agencies, non-governmental organizations, ICRC and donor governments and organizations

3) To ensure that the safe access to aid for all the people of Somalia is enhanced

Article 4
Endorsement of Outcomes of the Peace Process

1) To undertake political negotiations and technical discussions in good faith and in a spirit of cooperation during each phase of the Somalia National Reconciliation Process

2) To abide by the conclusions resulting from the Somalia National Reconciliation Process

3) To implement all the resolutions of the Process in good faith and in a timely way

Article 5
Combating Terrorism

1) To combat all forms of terrorism, and to cooperate with the international community in the fight against terrorism pursuant to UN Security Council Resolution 1373 of 2002

2) To prevent the use of Somali territory as a base for any terrorist activities

Article 6
Monitoring of the Declaration

1) To invite IGAD, the African Union and the international community to support and monitor the implementation of this declaration and all further agreements reached

2) To support the establishment of enforcement mechanisms for the safe delivery of humanitarian aid and implementation of this declaration and all further agreements reached in the interest of the people of Somalia.

DONE at Eldoret, Kenya, on Sunday, 27 October 2002.

SIGNED by:

Hassan Abshir
Prime Minister of Transitional National Government

Abdullahi Yusuf
President of Puntland State of Somalia

Abdalla Derow Isak
Speaker of the Transitional National Assembly

Hussein Farah Aideed
Co-Chairman of Somalia Reconciliation and Restoration Council (SRRC)

Col. Hassan Mohamed Nur 'Shatigudud', Chairman of RRA

Mohamed Qanyare Afrah
Chairman of USC

Col. Hassan Abdulla Qalad
Chairman of HPA

Mowlid Ma'ane Mohamoud
Chairman, SAMO/SRRC Nakuru

Musa Sudi Yalahow
Chairman of USC/SSA/SRRC

Omar Mohamoud Mohamed 'Finish', Chairman of USC/SSA

Osman Hassan Ali 'Atto'
Chairman of USC/SNA/SRRC Nakuru

Mohamed Sayyid Adeh
Chairman of SNF/SRRC

Col. Abdifizak Isak Bihi
Chairman of SNF

Gen. Mohamed Siad Hersi Morgan, Deputy SPM Chairman

Bare Aden Shire
Chairman of JVA

Mohamed Omar Habeeb 'Dhere'
Chairman of Jowhar
Administration

Abdullahi Sheikh Ismail
Chairman of SSNM/BIRIM

Hilowle Imam Omar
Co-Chairman of SRRC

Abdulaziz Sheikh Yousuf
Chairman of SSNM/SNA

Gen. Aden Abdullahi Nur
'Gabiyow', Chairman of SPM

Mohamed Aden Wayel
Chairman SPM/Nakuru

Dr. Sharif Salah Mohamed Ali
On Behalf of Civil Society

HON. E.W. MWANGALE, EGH.

OFFICE OF THE SPECIAL
ENVOY FOR SOMALIA
P. O. Box 30551,
NAIROBI.

WITNESSED by:

H.E. Hon. Elijah W. Mwangale,
H.E. President Daniel arap Moi's
Special Envoy for Somalia and
Chairman of the IGAD Technical
Committee

Dr. Attalla Al-Bashir
Executive Secretary of IGAD

H.E. Amb. Ismail Goulal
Boudine
Ambassador of the Republic of
Djibouti to Somalia

H.E. Amb. Abdulaziz Ahmed
Special Envoy of the Federal
Democratic Republic of Ethiopia
for Somalia

IN THE PRESENCE of:

Amb. Carlo Ungaro
Special Envoy of Italy (Chair of
IGAD Partners Forum for
Somalia)

Amb. Mohammed Salim Al
Khussaibi
Special Envoy of the League of
Arab States

Amb. Mostafa Khedre
Deputy Assistant Minster for
Foreign Affairs of the Arab
Republic of Egypt

Mr. Glenn Warren
Embassy of the United States in
Kenya

Dr. Walid Musa
European Union and European
Commission Delegation in
Kenya

Amb. Winston Tubman
UN Representative of the
Secretary General for Somalia

United Nations S/2002/1360

Security Council

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Letter dated 12 December 2002 from the Chargé d'affaires ad interim of the Permanent Mission of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On the instructions of my Government, I regret to inform you of the following serious occurrences in the territory of the Democratic Republic of the Congo:

For more than a month, "Antonov" heavy cargo aircraft of the regular army of the Libyan Arab Jamahiriya have been flying in and out of the part of the Congolese territory which is occupied by the Mouvement de libération du Congo (MLC).

These flights, which are heavily concentrated in the airports of the towns of Gbadolite and Zongo on the border between the Democratic Republic of the Congo and the Central African Republic, enable the Libyan army to reinforce the Mouvement de libération du Congo (MLC) and supply it with troops, ammunition and heavy and light weapons, so as to help it resume hostilities in the direction of Beni, Mbandaka and Kinshasa.

The Democratic Republic of the Congo believes that the Libyan military presence in its territory constitutes very grave interference in its internal affairs.

The Democratic Republic of the Congo cannot understand how an independent State like the Libyan Arab Jamahiriya can deploy troops in the territory of another independent and sovereign State without the prior agreement of that Government.

The Democratic Republic of the Congo would like to draw the Security Council's attention to the consequences of the bellicose attitude of the Libyan Arab Jamahiriya and the Mouvement de libération du Congo, which is liable to undermine the multiple efforts being made by the international community through the Security Council to promote a return to normality in the Democratic Republic of the Congo, and those of the Congolese parties themselves for the conclusion of the comprehensive and inclusive agreement which is being formulated in Pretoria.

The Democratic Republic of the Congo holds the Libyan Arab Jamahiriya and the Mouvement de libération du Congo responsible for any failure of this agreement and calls upon the Security Council to take the necessary measures to put an end to this Libyan interference in the internal affairs of the Democratic Republic of the Congo, and in particular:

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1. To note that the attitude of the Libyan Arab Jamahiriya is a grave violation of the purposes and principles of the Charter of the United Nations and the Constituent Act of the African Union;

2. To condemn this attitude and hold the Libyan Arab Jamahiriya and the Mouvement de libération du Congo (MLC) responsible for:

(a) Any failure of the comprehensive agreement of Pretoria, the conclusion of which is eagerly awaited by all strata of the Congolese population and the international community as a whole;

(b) The consequences which would result from such a failure for the Congolese population and for all the peoples of the Great Lakes region.

3. To demand from the Libyan Arab Jamahiriya the immediate withdrawal of its troops from the territory of the Democratic Republic of the Congo and the cessation of its military assistance to the Mouvement de libération du Congo (MLC).

I should be grateful if you would have this letter circulated as a Security Council document.

(*Signed*) Nduku **Booto**
Chargé d'affaires ad interim, First Counsellor

United Nations S/2002/1361

Security Council

Distr.: General
13 December 2002
English
Original: Arabic

Letter dated 12 December 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to notify you of continued violations of the ceasefire and the Tehran agreement concerning the area of separation between the Islamic Republic of Iran and Iraq, as described below:

1. On 19 August 2002, at 1600 hours, Iran built three structures, each consisting of a hut and privy, at the following locations along the Iranian embankment:

(a) The first, at coordinates 571726, is located on the border itself;

(b) The second, at coordinates 560663, is located 90 metres from the border inside Iraqi territory;

(c) The third, at coordinates 559640, is located 1,200 metres from the border inside Iraqi territory;

(d) A road has been built between the huts and soil is being transported from coordinates 5772; and

(e) A boundary pillar at coordinates 558634.

2. Iran has continued to expand its area of penetration into Iraqi territory along the international border in the Majnun sector towards the north, on both sides of the international border marking the area of separation, as far as the Ujayrida and Dasam embankments.

3. Iran has also violated the international borders of Iraq by building an embankment approximately 6 km long east-north-east of the northern Majnun field and extending between 0 and 1,200 metres into Iraqi territory. In addition, it has built various cement-block huts (i.e. structures, including houses and outposts) at distances of between 1,500 and 1,600 metres from the border inside Iraqi territory along the unpaved road that runs parallel to the international border between midpoint on the eastern embankment of the northern Majnun field and the highest point of the Baydah triangle in the north.

4. On 18 November 2002, at 1100 hours, Iran used machines (power shovels) to demolish the abandoned Ziyadi guard post, located on the border between Iran and Iraq at a distance of 1,500 metres from the Zaydi Iranian guard post. The demolition work continued until the morning of the following day, 19 November, when the guard post was completely destroyed.

02-74147 (E) 191202 201202

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative